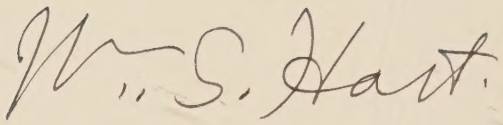
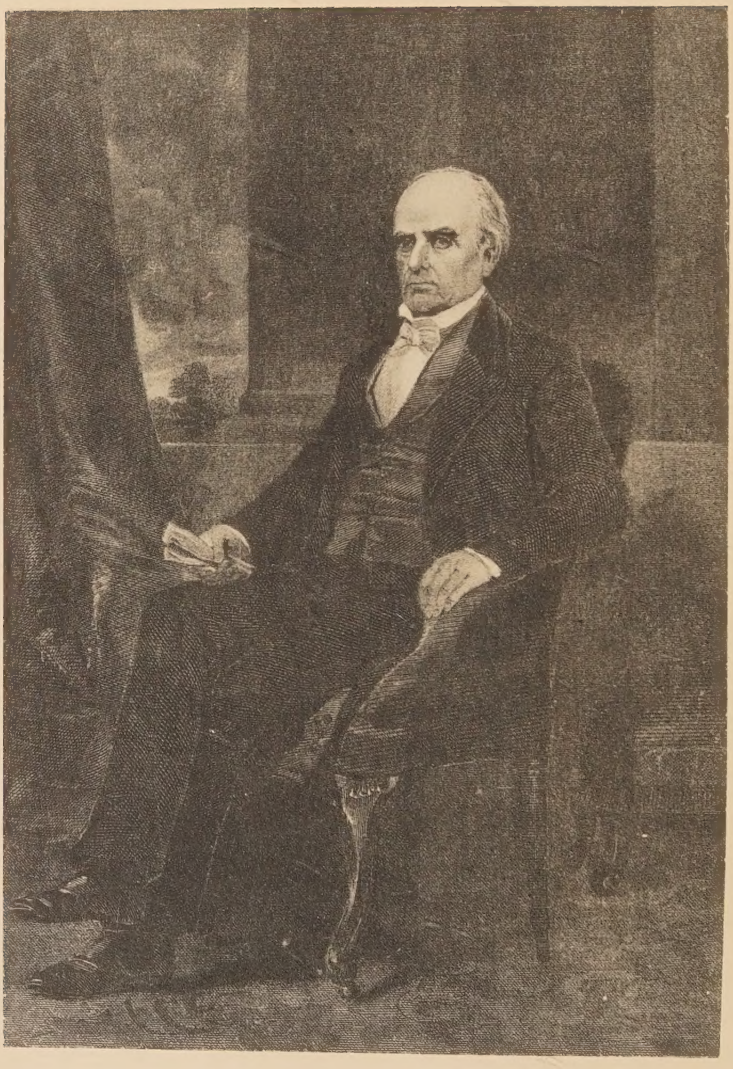


Digitized by the Internet Archive
in 2026

https://archive.org/details/greatdebatesinam0005mari_n6e4



Danl. Webster

# GREAT DEBATES IN AMERICAN HISTORY

*From the Debates in the British Parliament on the Colonial Stamp Act (1764–1765) to the Debates in Congress at the Close of the Taft Administration (1912–1913)*

EDITED BY

MARION MILLS MILLER, LITT.D. (PRINCETON)

Editor of "The Life and Works of Abraham Lincoln," etc.

IN FOURTEEN VOLUMES

EACH DEALING WITH A SPECIFIC SUBJECT, AND CONTAINING A SPECIAL INTRODUCTION BY A DISTINGUISHED AMERICAN STATESMAN OR PUBLICIST

## VOLUME FIVE

STATE RIGHTS (1798–1861), SLAVERY (1858–1861)

With an Introduction by ETHELBERT D. WARFIELD, LL.D.
President of Lafayette College

CURRENT LITERATURE PUBLISHING COMPANY
NEW YORK

COPYRIGHT, 1913, BY
CURRENT LITERATURE PUBLISHING COMPANY

# CONTENTS OF VOLUME FIVE


PAGE

INTRODUCTION: The Kentucky Resolutions . . . . . 1
By ETHELBERT D. WARFIELD

CHAPTER

I. STATE RIGHTS (*introductory chapter*) . . . . . 12

Senator THOMAS H. BENTON (Mo.), on the "Theory of Compact" between the States in the Virginia and Kentucky Resolutions, as opposed to the Theory of Nullification held by Senator JOHN C. CALHOUN (S. C.).

Senator ROBERT Y. HAYNE (S. C.), on the "Treason of New England" (in the Hartford Convention).

"Appeal to the South" (against Nullification) by President JOHN QUINCY ADAMS.

Senators WILLIAM SMITH (S. C.) and HAYNE on the Protests of South Carolina and Georgia against the Tariff of 1828.

II. THE UNION: SEPARABLE OR INSEPARABLE? . . 36

Debates in the Senate between ROBERT Y. HAYNE (S. C.) and DANIEL WEBSTER (Mass.) on "Consolidation" and "Nullification"; reply of THOMAS H. BENTON (Mo.) to WEBSTER'S Peroration.

III. NULLIFICATION . . . . . 75

Controversy over Nullification of the Tariff Act of 1832: in favor, Representative THOMAS CLAYTON (Ga.); opposed, Senator HENRY CLAY (Ky.), President ANDREW JACKSON.

Debate in the Senate on the "Force Bill": in favor, WILLIAM H. WILKINS (Pa.), FELIX GRUNDY (Tenn.), DANIEL WEBSTER (Mass.); opposed, JOHN TYLER (Va.), JOHN C. CALHOUN (S. C.).

IV. "POPULAR SOVEREIGNTY" . . . . . 105

Debates between Senator STEPHEN A. DOUGLAS (Ill.) and ABRAHAM LINCOLN (Ill.) on "Slavery in the Territories."

V. "THE IRREPRESSIBLE CONFLICT" . . . . . 166

Speech of Senator WILLIAM H. SEWARD (N. Y.) on "the Irrepressible Conflict," and reply by Senator ALFRED IVERSON (Ga.), "The Inevitable Dissolution of the Union."

CHAPTER PAGE

VI. JOHN BROWN'S ATTACK ON HARPER'S FERRY . . 187

Speech of CHARLES O'CONOR (N. Y.) on the Attack: "Slavery Is Right."

Debate in the Senate on Investigation of the Attack: Democratic speakers, JAMES M. MASON (Va.), ROBERT M. T. HUNTER (Va.), JEFFERSON DAVIS (Miss.), JOHN J. CRITTENDEN (Ky.), ALBERT G. BROWN (Miss.), ALFRED IVERSON (Ga.); Republican speakers, LYMAN TRUMBULL (Ill.), JOHN P. HALE (N. H.), HENRY WILSON (Mass.), WILLIAM P. FESSENDEN (Me.), ZACHARIAH CHANDLER (Mich.).

"The Warning of Harper's Ferry": Message of President JAMES BUCHANAN.

VII. "THE DEATH KNELL OF POPULAR SOVEREIGNTY" (*The South's War on Senator Douglas*) . . . . . 219

Debate in the Senate on Resolutions of JEFFERSON DAVIS (Miss.) repudiating the Doctrine of Popular Sovereignty: in favor, Senator DAVIS, GRAHAM N. FITCH (Ind.), ROBERT TOOMBS (Ga.); opposed, DANIEL CLARK (N. H.), STEPHEN A. DOUGLAS (Ill.).

VIII. SLAVERY IN THE TERRITORIES (*The Issue in the Presidential Campaign of* 1860) . . . . . 241

Tilt in the Charleston (Democratic) Convention over the Freeport Doctrine ("Unfriendly Legislation" toward Slavery) between WILLIAM L. YANCEY (Ala.) and Senator GEORGE E. PUGH (O.).

Speech of ABRAHAM LINCOLN (Ill.) at Cooper Union on "Slavery as the Fathers Viewed It."

IX. "SLAVERY THE CORNER-STONE OF THE CONFEDERACY" (*Debates and Speeches in the South on Secession*) 269

Debate in the South Carolina Legislature on "Independent Action, or Coöperation with Other Cotton States": in favor of the former, Mr. MULLINS; of the latter, Mr. MCGOWAN.

Speech of EDWARD RUFFIN (Va.) at Columbia, S. C.: "Virginia Will Join the Confederacy."

Address of Gov. BERIAH MAGOFFIN (Ky.) to the Southern States: "Remain in the Union to Fight for Southern Rights."

Inaugural Address of JEFFERSON DAVIS (Miss.) as President of the Confederacy.

Inaugural Address of ALEXANDER H. STEPHENS (Ga.) as Vice-President: "Slavery the Corner-Stone of the Confederacy."

X. COERCION OF THE SOUTHERN STATES: CONSTITUTIONAL OR UNCONSTITUTIONAL? . . . . . 292

Opinion of Attorney-General JEREMIAH S. BLACK that Coercion Is Unconstitutional.

Debate in the Senate on the threatened Secession of South Carolina: favoring Secession, THOMAS L. CLINGMAN (N. C.), JOSEPH LANE (Ore.), ALBERT G. BROWN (Miss.), ALFRED IVERSON (Ga.), LOUIS T. WIGFALL (Tex.); opposed, JOHN J. CRITTENDEN (Ky.), JOHN P. HALE (N. H.), WILLARD SAULSBURY (Del.), STEPHEN A. DOUGLAS (Ill.).

CHAPTER PAGE

XI. THE CONCILIATION BILL . . . . . 323

Debate in the Senate on Appointment of a Committee to Report Plan for Reconciling North and South: speakers of varying views: LAZARUS W. POWELL (Ky.), PRESTON KING (N. Y.), JAMES S. GREEN (Mo.), MILTON S. LATHAM (Cal.), LAFAYETTE S. FOSTER (Ct.), STEPHEN A. DOUGLAS (Ill.), JEFFERSON DAVIS (Miss.), CHARLES SUMNER (Mass.), JAMES DIXON (Ct.), ALBERT G. BROWN (Miss.), GEORGE E. PUGH (O.), JUDAH P. BENJAMIN (La.), JOHN P. HALE (N. H.), ALFRED IVERSON (Ga.), JAMES M. MASON (Va.), WILLIAM BIGLER (Pa.), BENJAMIN F. WADE (O.), LOUIS T. WIGFALL (Tex.), WILLIAM H. SEWARD (N. Y.), KINSLEY S. BINGHAM (Mich.).

Debate in the Senate on the Crittenden Compromise Resolutions: speakers of varying views: JOHN J. CRITTENDEN (Ky.), Senator HALE, ANDREW JOHNSON (Tenn.), JOHN SLIDELL (La.), JOSEPH LANE (Ore.), Senator PUGH, ALFRED O. P. NICHOLSON (Tenn.), JAMES R. DOOLITTLE (Wis.), Senator BROWN, Senator BENJAMIN, EDWARD D. BAKER (Ore.), Senator DOUGLAS, ROBERT TOOMBS (Ga.), Senator DAVIS, LYMAN TRUMBULL (Ill.), ROBERT M. T. HUNTER (Va.), JAMES HARLAN (Ia.), Senator SEWARD, DANIEL CLARK (N. H.).

Debate in the House on the Conciliation Bill (general account).

Farewell Address of JEFFERSON DAVIS to the Senate.

## ILLUSTRATIONS IN VOLUME FIVE


PAGE

Daniel Webster . . . . . *Frontispiece*
Photogravure

The Hartford Convention, or Leap No Leap . . . 23

Robert Y. Hayne . . . . . 38
Photogravure

.00001. The Value of a Unit with Four Cyphers Going Before It . . . . . 79
[Terrier Calhoun "Nullifies" the Jackson Administration]

Locofoco and Nullification Nuptials . . . . . 103

"Honest Old Abe" on the Stump . . . . . 122

The Union Rail-Splitters . . . . . 166
[Lincoln and Seward Splitting the Union]

"The Irrepressible Conflict" . . . . . 179
[The Republican Party Throwing Seward Overboard]

John Brown Exhibiting His Hangman [Jefferson Davis] . 193

Stephen A. Douglas . . . . . 228
Photogravure

Stephen [Douglas] Finding "His Mother" . . . . 239

The Rail Candidate [Lincoln] . . . . . 245

"The Nigger in the Woodpile" . . . . . 258

The Great Match at Balitmore . . . . . 265
[Cock-fight between Douglas and Buchanan]

The Fox Without a Tail . . . . . 273
[South Carolina Persuading the Other Slave States to Secede]

The "Secession Movement" . . . . . 279

The Southern Confederacy a Fact, Acknowledged by a Mighty Prince and Faithful Ally [Satan] . . . 286

The Dis-United States . . . . . 289

[Sumner] Letting the Cat Out of the Bag . . . . 333

# INTRODUCTION

## The Kentucky Resolutions

### I

THE Kentucky legislature on the day of its assembling, the seventh of November, for the session of 1798, was the scene of one of those dramatic incidents which profoundly affect the history of nations. Nothing was more improbable than that any action of this frontier commonwealth should prove to be of significance in the history of the United States. Yet, when John Breckinridge arose in his place to give notice that he would on the next day introduce certain resolutions, he set in motion one of the greatest political movements in American history. The governor, General James Garrard, according to the custom of the day, had just opened the session in person and delivered an address which contained a declaration of firm attachment to the Federal Constitution and a recommendation that the legislature should support the General Government. He, however, had qualified this recommendation by proceeding to suggest that the legislature should protest against "all unconstitutional laws and impolitic proceedings"; and he reminded his hearers that Kentucky, by its situation, was fortunate in being "remote from the contaminating influence of European politics, steady to the prin-

ciples of pure republicanism, and an asylum of her persecuted votaries."

Mr. Breckinridge, the Representative from Fayette county, was appointed chairman of the committee of three to consider the address and make a report to the House. He gave notice that on the next day he proposed to move that the House should go into committee of the whole on the state of the commonwealth, to take into consideration that portion of the governor's address which referred to certain unconstitutional laws passed at the late session of Congress, and that he would then move certain resolutions on the subject. These resolutions, introduced the next day, were the famous Kentucky Resolutions of 1798.[1]

The little scene had been carefully set, and the actors knew well their parts. The governor's address had been planned in consultation with the mover of the resolutions, and the resolutions themselves had been carefully devised by the leaders of the movement which was, through these resolutions, to find definite organization as the Democratic-Republican party.[2]

The choice of Kentucky as the place where the scene should be enacted is somewhat remarkable. It would have been entirely inexplicable upon the earlier theory of the origin of the resolutions, which attributed the idea primarily to Mr. Jefferson himself, and sought without success the actual mover of the resolutions in George Nicholas, one of Jefferson's most devoted followers, who had found a too early grave a few months before. Many efforts have been made to explain why resolutions of this character were introduced first in the Kentucky legislature. The true solution is certainly to be found in the personality of John Breckinridge, the mover, his active interest in the matter itself, and the probability that he initiated the whole plan of campaign.

[1] *Palladium*, Frankfort, Kentucky, November 13, 1798.

[2] A curious bit of internal evidence of this is found in the disingenuous reference in the governor's speech and in the fifth resolution to the clause in the Constitution with regard to the "migration or importation of such persons as any of the States now existing shall think proper to admit." (See Warfield, "Kentucky Resolutions," page 108, and McElroy, "Kentucky in the Nation's History," page 243, note.)

## II

The Kentucky Resolutions were provoked by the act of Congress passed in the violent anti-French reaction of 1798, produced by the publication of the X. Y. Z. dispatches. These acts, consisting of what have come to be known as the Alien and Sedition laws, together with a naturalization act which was primarily intended to discriminate against French immigrants, and other laws of less importance,[1] were a remarkable stretch of authority. Not only so, but they represented an extraordinary failure on the part of the national Government, and particularly of the President and the Federal party, to read the signs of the times. Instead of taking advantage of the wholesome reaction which had taken place in popular opinion, and winning the confidence of the more conservative elements in the democratic drift, the Federalist party proved itself as intemperate as the sympathizers with the French incendiaries. The bills as presented in Congress, especially the Sedition act, were of the most extreme character. The Sedition act was so amended as to remove the more radical features, but enough remained to give point to all that was said against the acts themselves and the party that enacted them.

Mr. Jefferson had already separated himself from the traditions of the past, had recognized fully that the need of the country was not merely the negation of anti-Federalism, and had formulated for himself a policy that was ripe for enunciation. It had also become sufficiently clear that his position was acceptable to the great mass of the people, and that it did not represent hostility to the Constitution so much as the tendency to read into that document greater powers than a reasonable interpretation would justify. The choice of a name for the new party also showed Mr. Jefferson's recognition of the

[1] A notable difference between the Kentucky and Virginia Resolutions is that the Virginia Resolutions deal only with the Alien and Sedition laws, while the Kentucky Resolutions denounce the whole body of objectionable laws *seriatim*. Warfield, "Kentucky Resolutions," p. 107.

rôle it was to play. Democratic in nature, it was to be republican in form. The prevalence of the idea of democracy gave to that name less distinction than the name Republican, and the French influences which were operating upon Mr. Jefferson also contributed to accent the Republican half of the name. To accept the Constitution for what it was, and to limit its meaning strictly to what it said, and to secure the largest freedom of action to the people and to the States became the settled policy of the Jeffersonian era. But, by a remarkable failure to clearly penetrate the true nature of the democracy of which he was then believed, and has ever since been believed, to be the protagonist, Mr. Jefferson sought to safeguard popular government by erecting a barrier to the Federal Government in the States. The independence and sovereignty of the States, the respective powers of the ordinary government of the States and the State in sovereign convention became, under the vague conditions of a half-digested political theory, the staple of debate and the occasion of much windy rhetoric.

Mr. Jefferson pursued his main policy with sufficient detachment from the side-issues that attended his progress to enable him to use every kind of profession of democratic faith to promote his ambition. And despite large use of the implied powers of the Constitution and the support of the most intense advocates of narrow provincialism and of freedom for the white man only he substantially advanced the popular ideals of a great and growing country.

The Kentucky Resolutions were primarily intended to promote the Jeffersonian campaign and to give it a platform. They professed to be an attack upon specific encroachments by the central Government. Their significance lies in the fact that they declared a particular theory of the origin and nature of the national Government. Unhappily this theory was hastily put together and capable of the greatest diversity of interpretation. This has rendered the history of the genesis of the movement, the authorship of the resolutions, and the responsibility for the doctrines put forth of the highest interest.

## III

The genesis of any great movement must always be subject to different interpretations. The meaning of the Kentucky Resolutions and of those which immediately followed has been befogged by partisan controversy. The authorship also must remain an insoluble problem because it has become colored by political considerations. Probably all the facts that will ever be known have been laid before the public, and there remains a gap in the evidence which is essential to determine two main points: the origin of the idea of offering resolutions in the State legislatures, and the authorship of the first draft of the resolutions offered in Kentucky.

The first point is not very significant, perhaps, but it has a bearing on the initiative in the whole campaign. The facts that resolutions protesting against the Alien and Sedition laws were passed by various local meetings in Kentucky in 1798, that John Breckinridge went to Virginia and was in conference with Mr. Jefferson in the summer of that year, that he offered the resolutions, and for nearly a generation was accepted as their author constitute the basis of the claim that to him belongs the initial step.[1]

The controversy with reference to the authorship grew out of the effort of partisans to secure Mr. Jefferson's prestige for their interpretation of the resolutions, and is largely dependent upon the letter written by Mr. Jefferson on December 11, 1821, to Joseph Cabell Breckinridge,[2] in which Mr. Jefferson asserts his authorship. The advocates of Mr. Breckinridge's claim assert that Mr. Jefferson was old, in failing health, and never generous in admitting the debts he owed to his colleagues and lieutenants. More recent discussion turns upon a very simple set of circumstances.

It is highly probable that there was a conference in Virginia in the summer of 1798 between Mr. Breckin-

[1] Warfield, "Kentucky Resolutions," Chapter II.

[2] In Mr. Jefferson's published writings this letter appears as to "_____ Nicholas, Esq.," which was supposed to mean a son of George Nicholas.

ridge, Mr. Jefferson, and Wilson Cary Nicholas, at which time it was determined that a definite movement should be undertaken for a popular denunciation of the Alien and Sedition laws, and that the first action should be taken by the Kentucky legislature and resolutions introduced there by John Breckinridge, and that Mr. Madison should be interested in the movement and should be consulted with reference to a further development of the plan. It would also appear that a second conference which had been planned failed to take place, and that the final arrangements were made by correspondence. It cannot be absolutely certain from the documents at hand that Mr. Breckinridge and Mr. Jefferson discussed the matter in detail. The Jefferson papers contain a set of resolutions similar to those introduced into the legislature by Mr. Breckinridge. It is a matter of difference of opinion whether these resolutions originated with Mr. Breckinridge, who communicated them to Mr. Jefferson, or whether they originated with Mr. Jefferson and were communicated to Mr. Breckinridge. Certain divergencies between the draft and the resolutions presented in the legislature are very significant as to the state of mind of Mr. Jefferson, especially as the weight of opinion has been that the portions contained in the Jefferson draft and omitted from the resolutions that were adopted were stricken out by Mr. Breckinridge on Mr. Jefferson's revision of his original proposal.

The chief omission is that of the eighth resolution of the draft: a long, labored, and turgid diatribe, the authorship of which cannot add anything to the reputation of either claimant. In form and in substance it has all the defects of a hastily drawn and half-considered proposal which was expected to receive searching revision. This resolution contains the word nullification—which did not find official enactment until the Kentucky Resolutions of 1799, of which Mr. Breckinridge was indisputably the author—and a fully developed form of the idea of nullification.

A part of the language of this resolution is also found in the report of Mr. Breckinridge's speech in the Kentucky legislature, printed in the *Palladium* in its re-

port of the proceedings in the legislature. It is as follows:

"To be explicit, sir, I consider the co-States to be alone parties to the Federal compact, and solely authorized to judge in the last resort of the power exercised under the compact—Congress being not a party, but merely the creature of the compact, and subject as to its assumptions of power to the final judgments of those by whom and for whose use itself and its powers were created."

I have discussed this matter with fulness in my history of the Kentucky Resolutions, while the opposite opinion has been ably presented by one of the chief authorities upon the subject, the late James C. Welling, president of Columbian University, in a review of that book in the *Nation* for December 29, 1887. My view is that the draft was Mr. Breckinridge's, was submitted by him to Mr. Jefferson for consultation with Mr. Nicholas and others, and that the omitted passages were suppressed upon Mr. Jefferson's advice as being a somewhat more radical expression than was deemed wise. The general agreement of the revised resolutions with the Virginia Resolutions seems to me to indicate the Virginia attitude of mind, while the assertion of the position by Mr. Breckinridge in debate and the appearance of the same phraseology in his Kentucky Resolutions of 1799 seem to indicate that the position was his, and is valuable evidence as to his responsible authorship of the resolutions themselves.

## IV

Whatever may be the fact with regard to the authorship, two or three very significant facts have become more and more evident.

The first of these is that the Kentucky Resolutions were the first step in the propaganda of the Jeffersonian theory of the relationship of the States to the national Government, and that as such they supplied a popular plan of campaign. On the other hand, recent investigation has made more and more clear the fact that, despite

very prevalent discontent with the action of the general Government, the resolutions were far in advance of the temper of the hour. No other State responded favorably to the lead taken by Kentucky and Virginia. The House of Representatives in Pennsylvania were, indeed, in hearty sympathy with the movement, but they did not dare submit the resolution they had adopted to the Senate, because of its well-known antagonism to the principles advocated. The shrewdness of the position taken by Mr. Jefferson, the appreciation of the undercurrents of opinion, which only needed to be brought to the surface, and his characteristic unwillingness to expose himself to the chances of war are highly characteristic. He left to Mr. Breckinridge and Mr. Madison and their colleagues the feeling of the pulse of the people and the enunciation of the general position which in due season he was to accept and adopt. Thus he kept himself free from such entanglements as would have prevented his developing as he did the implied powers of the Constitution when he became President. The danger of his position can hardly be over-estimated. The history of the resolutions and the struggle to give to them widely divergent interpretations, ranging from the strongly National position, which became characteristic of the Western democracy, to the intensest State rights position, developed with such metaphysical subtlety by Mr. Calhoun, is highly suggestive of the peril which Mr. Jefferson ran of being involved in discussions of details at a time when his object was to overthrow the Federal party and to discredit what he believed to be its extreme extension of the powers of the general Government, in order that he might come to power at the head of a permanent party organization.

## V

It is important to keep in mind that the Kentucky Resolutions distinctly state that the several States are united by compact, and that "to this compact each State acceded as a State, its co-States forming as to itself the other party," and "that, as in all other cases of com-

pact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress." It is scarcely necessary to emphasize the difference between this and the view so frequently asserted in later years, that the general Government was constituted by a compact to which it was itself a party, each State forming as to itself the other party. It is scarcely more necessary to point out the various shades of interpretation given to the idea presented by the Kentucky and Virginia Resolutions, or how far short they fall of the interpretation which has been adopted through the influence of political and judicial action.

It is important, however, to note that the view of the nature of the general Government, which may be regarded as having the support of the best authority at the present time, was clearly enunciated in the Kentucky legislature by Mr. William Murray, of Franklin county, who alone opposed the resolutions from the beginning to the end. Mr. Murray pointed out that the "Constitution of the United States was rendered necessary by want of energy in the former Confederation," and that the Constitution "was not merely a covenant between integral States but a compact between the several individuals composing those States, and accordingly the Constitution commences with this form of expression: 'We the people of the United States,' not we the thirteen States of America." He proceeded to declare that "to the judiciary, and the judiciary alone, it belongs to declare what acts of legislature are law and what are not law. And to their honor be it said that they have, with an independence becoming their character, declared an act passed by Congress no law."

This position, so ably but so vainly urged by Mr. Murray, was asserted by the Massachusetts legislature in its response to the Kentucky Resolutions as well as in other replies.

It is almost necessary, in order to illustrate the position of the Kentucky Resolutions, to quote the significant words of Mr. Madison in the Virginia Resolutions, contained in the third article:

"That, in case of a deliberate, palpable, and dangerous exercise of powers not granted by the compact, the States who are parties thereto have a right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

That this point of view is highly illustrative of current political thinking is further proved by the almost identical words used by the Hartford convention when the New England States found themselves in a similar attitude to the general Government. The following passage is so similar to the words of Mr. Madison that it seems almost incredible that it was adopted by a body of intelligent men in opposition to the policy of Mr. Madison as President:

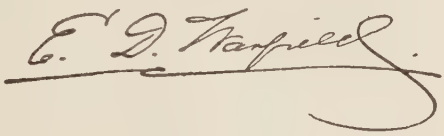
"In case of deliberate, dangerous, and palpable infraction of the Constitution affecting the sovereignty of the State and liberties of the people, it is not only the right, but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure the end."

## VII

The literature of the subject has been vitalized by almost every force which has entered into the political history of our country. The vivid and vigorous, if not always well-informed oratory of the new West, the intense and highly dramatic eloquence of the Southern leaders of the contest for the perpetuation of slavery and a provincial type of civilization, the legal learning of the best school of New England statesmanship, and the great national debates growing out of the struggle of a young nation to rise to a consciousness of its unity and power have all contributed to the interpretation of the resolutions. Jeffersonian Democracy would have been glad to be rid of many of the associations which early attached themselves to the resolutions. The State rights party of Calhoun developed every possibility of a particularist interpretation. The Western Democracy, full of a spirit of national enthusiasm, strove to use them to

check the centralization, which seemed to subordinate the new States to the older communities.

It is scarcely possible at this late date, with the complete change of accent in political thinking, to realize how extremely significant the questions that are connected with these resolutions, their authorship, and the peculiar attitude of Mr. Jefferson, were for more than half a century, yet in these resolutions there is a germ of truth which may well be cultivated afresh in a time when the spirit of the age seems to favor the unlimited consolidation of government in a single element of it.



# CHAPTER I

## State Rights

The Kentucky and Virginia Resolutions of Thomas Jefferson and James Madison: Senator Thomas H. Benton [Mo.] and Professor Alexander Johnston on Their "Theory of Compact" as Opposed to the Calhoun Theory of Nullification—The Hartford Convention: Its Report—Senator Robert Y. Hayne [S. C.] on the "Treason of New England" as Expressed in the Convention—The Tariff of 1828—Threats of Secession by South Carolina and Georgia—President John Quincy Adams's "Appeal to the South"—Senator William Smith [S. C.] and Senator Hayne on the Protests of South Carolina and Georgia.

THE repeal of the Missouri Compromise and the Dred Scott decision marked the high tide of victory for the South in the controversy upon slavery. It was soon seen, however, indeed it had been foreseen before their accomplishment, that the triumph would prove a merely formal one, empty of all practical benefit. Accordingly, from this time onward, Southern statesmen began seriously to contemplate that measure to which they had so often threatened in moments of passion to resort—secession.

It is therefore in place here to revert to the question of State versus National rights, as enunciated by such Southern statesmen as Thomas Jefferson and James Madison in the early history of the republic, and to the threats of separation from the Union made in the Hartford convention and in the nullification proceedings of South Carolina and Georgia against the tariff acts of 1828 and 1832.

### The Kentucky and Virginia Resolutions

The views of Jefferson and Madison were formally presented in the Kentucky and Virginia resolutions. Rising out of the Alien and Sedition laws these will be

discussed, in origin and results, in the volume on Civic Rights [see Vol. VII, chapter iv]. Only that portion of them which applies directly to the right of secession will be taken up in the present connection.

The first of the resolutions presented by the Kentucky legislature (inspired if not by Jefferson by his political theory) was as follows:

> 1. The Union of the States is a *compact,* by which each State delegates to the Federal Government definite powers, reserving to itself the residuary mass of right to its own self-government. When, therefore, the Federal Government assumes undelegated powers, its acts are void. The Federal Government was not constituted by the compact a final judge of the extent of its delegated powers, since this would have made its discretion and not the Constitution the measure of its powers. The Constitution established no common judge between the Federal Government and the State governments, and, according to the practice in all compacts of this kind, *each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.*

The Kentucky resolutions were, as described in the chapter upon them, sent to the legislatures of the various States. All but Virginia replying in opposition to them, the Kentucky legislature added a supplementary resolution which contained the assertion that:

> The several States which formed the Constitution, being sovereign and independent, have the unquestionable right to judge of its infraction; and a nullification by these sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy.

The Virginia resolutions, drafted by James Madison, after asserting the doctrine of a strict construction of the Constitution, left it entirely to inference that if the Federal Government passed acts which, according to this Constitution, were unconstitutional the States concerned would have a right to resort to nullification. Thomas H. Benton, indeed, in his "Thirty Years' View" denied that the Virginia resolutions warrant this infer-

ence and, on the contrary, maintained that Madison's doctrine was directly opposed to nullification as upheld by Calhoun. He said:

The right and duty of "the States" to interpose certainly does not mean the right of "a State" to nullify and set at nought. The States—less than the whole number—have a right to interpose, secured, as already shown, in the Constitution; and this, not only persuasively, but peremptorily; to compel the action they may desire; and it is demonstrable that it was this constitutional provision that the Virginia legislature had in mind, as a last resort. The resolutions do not speak anywhere of the right of a State, but use the plural number, States. Virginia exercises the right that pertains to a State—all the right that, in the premises, she pretends to—in passing the resolutions, declaring her views, and inviting the like action of her co-States. Instead, therefore, of the resolutions being identical with nullification (according to Calhoun), the two doctrines are not merely hostile, but exactly opposites; the sum of the Virginia doctrine being that it belongs to a State to take, as Virginia does in this instance, the initiative in impeaching any objectionable action of the Federal Government, and to ask her co-States to coöperate in procuring the repeal of a law, a change of policy, or an amendment of the Constitution—according as one or the other, or all, may be required to remedy the evil complained of; whereas nullification claims that a single State may, of its own motion, nullify any act of the Federal Government it objects to, and stay its operation, until three-fourths of all the States come to the aid of the national authority and reënact the nullified measure. One submits to the law till a majority repeal it, or a convention provides a constitutional remedy for it; the other undertakes to annul the law, and suspend its operation, so long as three-fourths of the States are not brought into active coöperation to declare it valid. The resolutions maintain the Government in all functions, only seeking to call into use the particular function of repeal or amendment; nullification would stop the functions of Government and arrest laws indefinitely; and is incapable of being brought to actual experiment, in a single instance, without a subversion of authority, or civil war. To this essential, radical, antagonistic degree do the Virginia resolutions and the doctrine of nullification differ, one from the other; and thus unjustly are the Virginia Republicans of 1798 accused of planting the seeds of dissolution—a "deadly poison," as Mr. Madison himself em-

phatically calls the doctrine of nullification—in the institutions they had so labored to construct.

The theory of a "compact" between the States and the Federal Government, as expressed by Jefferson and Madison in the resolutions, was made a basis of the claim of the "Secessionists" of a later period, although they found more logical grounds in the theory of Calhoun that the "compact" was between the States themselves, and that the Federal Government was the result of the compact and not a party to it.

"Daniel Webster," says Prof. Alexander Johnston in his "American Political History," "ridiculed unsparingly the idea that the States could form a compact with another party which was only created by the compact and non-existent before it."

"Jefferson and his school would have looked upon forcible resistance by a single State to an oppressive Federal law . . . as . . . revolutionary . . . It was so stated in 1829-30 by Edward Livingston, the devoted adherent of Jefferson in 1798.

"In a constitutional point of view, this fundamental difference between the right of 'the States' in natural convention, and of a single State, *proprio vigore*,[1] to 'nullify' acts of Congress, and to interpret the Constitution, above and beyond the Federal judiciary, is the essential difference between the 'nullification' of Jefferson and that of Calhoun. The strongest evidence to the contrary is a sentence in Jefferson's original draft of the Kentucky resolutions. It is as follows: 'that every State has a natural right, in cases not within the compact, to nullify of their own authority all assumptions of power by others within their limits.' This was struck out in the final copy of the resolutions, but by whom is not known. Various explanations of this sentence have been offered, the most plausible being that the inexcusable sentence was due only to heat of composition, and was struck out by Jefferson on his realizing the full force of what he had written. On the one hand, this sentence has arrayed against it a great mass of contemporary testimony; on the other, if it is to stand as Jefferson's perfected theory, every atom of Calhoun's perfected theory finds in it a perfect antetype.

"It is also fair and proper, in this connection, to call the reader's special attention to a letter of December 24, 1825,

[1] "Of its own force."

from Jefferson to Madison, which has never hitherto received the prominence which it deserves. It is on the subject of internal improvements. He regards opposition to the new system as 'desperate,' but proposes a new series of resolutions, to be passed by the Virginia legislature, as a protest against it. They are much like the Resolutions of 1798, but conclude by demanding an amendment to the Constitution to grant the doubtful power, and by promising for the State and imposing upon the citizens of the State an acquiescence in the acts 'which we have declared to be a usurpation' '*until the legislature shall otherwise and ultimately decide.*' "

A letter of Jefferson to Justice William Johnston, on June 12, 1823, gives in a nutshell the opinion of the author of the Kentucky resolutions upon the same point:

"The ultimate arbiter is the people of the Union, assembled by their deputies in convention, at the call of Congress, or of two-thirds of the States. Let them decide to which they mean to give an authority claimed by two of their organs [*i. e.,* the Federal Government, or the States]."

## The Hartford Convention

The Hartford convention has already been referred to [in Vol. II, page 217] in connection with the Second War with Great Britain. It played, however, a far greater part in our civil and domestic politics than in our military and foreign concerns, dealing as it did with the questions of State and civic rights.

The Administration of James Madison, indeed, believing that the purpose of the convention of representatives from New England legislatures and conventions was nothing less than the dissolution of the Union, sent an army officer to Hartford to oversee its deliberations, and Congress (strongly Republican) requested the President to appoint a day for national fasting and prayer.

The convention deliberated in secret for three weeks, until January 5, 1815, when it adopted a report to the legislature and counties represented.

## Report of the Convention

[abridged]

The convention is deeply impressed with the arduous nature of its commission, which is to devise relief from the oppressions of the Government without violating constitutional principles. Yet when abuses are so gross as those complained of, and are clothed with the forms of law, and enforced by an Executive whose will is their source, direct and open resistance is the only recourse. Necessity alone can sanction this, and the resistance must not be extended beyond the exigency, it being left to the people, in calmer moments and after full deliberation, to reform the abuses by a change of the Constitution.

The convention believes that some new form of confederacy should be substituted among those States which shall intend to maintain a federal relation to each other. Events may prove that the causes of our calamities are deep and permanent. They may be found to proceed, not merely from the blindness of prejudice, pride of opinion, violence of party spirit, or the confusion of the times; but they may be traced to implacable combinations of individuals, or of States, to monopolize power and office, and to trample without remorse upon the rights and interests of commercial sections of the Union. Whenever it shall appear that these causes are radical and permanent, a separation, by equitable arrangement, will be preferable to an alliance by constraint, among nominal friends, but real enemies, inflamed by mutual hatred and jealousy, and inviting, by intestine divisions, contempt and aggression from abroad. But a severance of the Union by one or more States, against the will of the rest, and especially in a time of war, can be justified only by absolute necessity. These are among the principal objections against precipitate measures tending to disunite the States, and, when examined in connection with the farewell address of the Father of his Country, they must, it is believed, be deemed conclusive.

The power of dividing the militia of the States into classes, and obliging such classes to furnish, by contract or draft, able-bodied men, to serve for one or more years for the defence of the frontier, is not delegated to Congress. With a power in Congress to authorize such a draft or conscription, and in the Executive to decide conclusively upon the existence and continuance of the emergency, the whole militia may be converted into a standing army disposable at the will of the President of the United States.

Had the troops already raised, and in great numbers sacrificed upon the frontier of Canada, been employed for the defence of the country, and had the millions which have been squandered with shameless profusion been appropriated to their payment, to the protection of the coast, and to the naval service, there would have been no occasion for unconstitutional expedients.

That acts of Congress in violation of the Constitution are absolutely void is an undeniable position. It does not, however, consist with respect and forbearance due from a Confederate State toward the general Government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State, and liberties of the people; it is not only the right but the duty of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges, and execute their own decisions.

Without pausing at present to comment upon the causes of the war, it may be assumed as a truth, officially announced, that to achieve the conquest of Canadian territory, and to hold it as a pledge for peace, is the deliberate purpose of the Administration.

The seaboard States have been left to adopt measures for their own defence. The President of the United States has refused to consider the expense of the militia detached by State authority, for the indispensable defence of the State, as chargeable to the Union, on the ground of a refusal by the executive of the State to place them under the command of officers of the regular army. Detachments of militia placed at the disposal of the general Government have been dismissed either without pay, or with depreciated paper.

If the war be continued, there appears no room for reliance upon the National Government for the supply of those means of defence which must become indispensable to secure these States from desolation and ruin. Nor is it possible that the States can discharge this sacred duty from their own resources,

and continue to sustain the burden of the national taxes. The Administration, after a long perseverance in plans to baffle every effort of commercial enterprise, had fatally succeeded in their attempts at the epoch of the war. Commerce, the vital spring of New England's prosperity, was annihilated.

Taxes, of a description and amount unprecedented in this country, are in a train of imposition, the burden of which must fall with the heaviest pressure upon the States east of the Potomac. The amount of these taxes for the ensuing year cannot be estimated at less than five millions of dollars upon the New England States, and the expenses of the last year for defence, in Massachusetts alone, approach to one million of dollars.

This convention will not trust themselves to express their conviction of the catastrophe to which such a state of things inevitably tends. Conscious of their high responsibility to God and their country, solicitous for the continuance of the Union, as well as the sovereignty of the States, unwilling to furnish obstacles to peace—resolute never to submit to a foreign enemy, and confiding in the Divine care and protection, they will, until the last hope shall be extinguished, endeavor to avert such consequences.

With this view they suggest an arrangement, which may at once be consistent with the honor and interest of the National Government, and the security of these States. This it will not be difficult to conclude, if that Government should be so disposed. By the terms of it these States might be allowed to assume their own defence, by the militia or other troops. A reasonable portion, also, of the taxes raised in each State might be paid into its treasury, and credited to the United States, but to be appropriated to the defence of such State, to be accounted for with the United States.

The convention feels it its duty to enumerate the abuses of the Federal Government which have contributed to its downfall from the high estate it held under George Washington and John Adams.

*First.*—A deliberate and extensive system for effecting a combination among certain States, by exciting local jealousies and ambition, so as to secure to popular leaders in one section of the Union the control of public affairs in perpetual succession. To which primary object most other characteristics of the system may be reconciled.

*Secondly.*—The political intolerance displayed and avowed in excluding from office men of unexceptionable merit, for want of adherence to the executive creed.

*Thirdly.*—The infraction of the judiciary authority and rights, by depriving judges of their offices in violation of the Constitution.

*Fourthly.*—The abolition of existing taxes, requisite to prepare the country for those changes to which nations are always exposed, with a view to the acquisition of popular favor.

*Fifthly.*—The influence of patronage in the distribution of offices, which in these States has been almost invariably made among men the least entitled to such distinction, and who have sold themselves as ready instruments for distracting public opinion, and encouraging administration to hold in contempt the wishes and remonstrances of a people thus apparently divided.

*Sixthly.*—The admission of new States into the Union, formed at pleasure in the Western region, has destroyed the balance of power which existed among the original States, and deeply affected their interest.

*Seventhly.*—The easy admission of naturalized foreigners, to places of trust, honor, or profit, operating as an inducement to the malcontent subjects of the old world to come to these States, in quest of executive patronage, and to repay it by an abject devotion to executive measures.

*Eighthly.*—Hostility to Great Britain, and partiality to the late Government of France, adopted as coincident with popular prejudice, and subservient to the main object, party power. Connected with these must be ranked erroneous and distorted estimates of the power and resources of those nations, of the probable results of their controversies, and of our political relations to them respectively.

*Lastly and principally.*—A visionary and superficial theory in regard to commerce, accompanied by a real hatred but a feigned regard to its interests, and a ruinous perseverance in efforts to render it an instrument of coercion and war.

But it is not conceivable that the obliquity of any administration could, in so short a period, have so nearly consummated the work of national ruin, unless favored by defects in the Constitution.

To enumerate all the improvements of which that instrument is susceptible, and to propose such amendments as might render it in all respects perfect, would be a task which this convention has not thought proper to assume. They have confined their attention to such as experience has demonstrated to be essential, and, even among these, some are considered entitled to a more serious attention than others. They are suggested without any intentional disrespect to other States, and are meant

to be such as all shall find an interest in promoting. Their object is to strengthen, and if possible to perpetuate, the union of the States, by removing the grounds of existing jealousies, and providing for a fair and equal representation, and a limitation of powers which have been misused.

The first amendment proposed relates to the apportionment of representatives among the slaveholding States. This cannot be claimed as a right. Those States are entitled to the slave representation by a constitutional compact. It is therefore merely a subject of agreement, which should be conducted upon principles of mutual interest and acommodation, and upon which no sensibility on either side should be permitted to exist. It has proved unjust and unequal in its operation. Had this effect been foreseen, the privilege would probably not have been demanded; certainly not conceded. Its tendency in future will be adverse to that harmony and mutual confidence which are more conducive to the happiness and prosperity of every confederated State than a mere preponderance of power, the prolific source of jealousies and controversy, can be to any one of them. The time may therefore arrive when a sense of magnanimity and justice will reconcile those States to asquiesce in a revision of this article, especially as a fair equivalent would result to them in the apportionment of taxes.

The next amendment relates to the admission of new States into the Union.

At the adoption of the Constitution, a certain balance of power among the original parties was considered to exist, and there was at that time, and yet is, among those parties a strong affinity between their great and general interests. By the admission of these States that balance has been materially affected, and unless the practice be modified must ultimately be destroyed.

The next amendments proposed by the convention relate to the powers of Congress, in relation to the embargo and the interdiction of commerce.

No union can be durably cemented, in which every great interest does not find itself reasonably secured against the encroachment and combinations of other interests. When, therefore, the past system of embargoes and commercial restrictions shall have been reviewed—when the fluctuation and inconsistency of public measures, betraying a want of information as well as feeling in the majority, shall have been considered, the reasonableness of some restrictions upon the power of a bare majority to repeat these oppressions will appear to be obvious.

The next amendment proposes to restrict the power of making offensive war. Rarely can the state of this country call for or justify offensive war. The genius of our institutions is unfavorable to its successful prosecution; the felicity of our situation exempts us from its necessity. In this case, as in the former, those more immediately exposed to its fatal effects are a minority of the nation. The commercial towns, the shores of our seas and rivers, contain the population whose vital interests are most vulnerable by a foreign enemy. Agriculture, indeed, must feel at last, but this appeal to its sensibility comes too late. Again, the immense population which has swarmed into the West, remote from immediate danger, and which is constantly augmenting, will not be averse from the occasional disturbances of the Atlantic States. Thus interest may not unfrequently combine with passion and intrigue to plunge the nation into needless wars, and compel it to become a military, rather than a happy and flourishing, people. These considerations, which it would be easy to augment, call loudly for the limitation proposed in the amendment.

Another amendment, subordinate in importance, but still in a high degree expedient, relates to the exclusion of foreigners hereafter arriving in the United States from the capacity of holding offices of trust, honor, or profit.

It is agreed that a liberal policy should offer the rights of hospitality, and the choice of settlement, to those who are disposed to visit the country. But why admit to a participation in the Government aliens who were no parties to the compact—who are ignorant of the nature of our institutions, and have no stake in the welfare of the country but what is recent and transitory? It is surely a privilege sufficient, to admit them after due probation to become citizens, for all but political purposes. To extend it beyond these limits is to encourage foreigners to come to these States as candidates for preferment.

The last amendment respects the limitation of the office of President to a single Constitutional term, and his eligibility from the same State two terms in succession.

Upon this topic it is superfluous to dilate. The love of power is a principle in the human heart which too often impels to the use of all practicable means to prolong its duration. The office of President has charms and attractions which operate as powerful incentives to this passion. The first and most natural exertion of a vast patronage is directed toward the security of a new election. The interest of the country, the welfare of the people, even honest fame and respect for the opinion of poster-

*From the collection of the New York Historical Society*

ity, are secondary considerations. All the engines of intrigue, all the means of corruption are likely to be employed for this object. A President whose political career is limited to a single election may find no other interest than will be promoted by making it glorious to himself, and beneficial to his country. But the hope of reëlection is prolific of temptations, under which these magnanimous motives are deprived of their principal force. The repeated election of the President of the United States from any one State affords inducements and means for intrigues which tend to create an undue local influence and to establish the domination of particular States. The justice, therefore, of securing to every State a fair and equal chance for the election of this officer from its own citizens is apparent, and this object will be essentially promoted by preventing an election from the same State twice in succession.

The convention dissolved with the statement that, if its proposals in regard to the embargo and related matters should not be agreed to, and if the defence of the New England States should still be neglected, a further convention would be created "with such powers and instructions as the exigency of a crisis so momentous may require." This was accepted at the time and thereafter as a threat of secession.

The ending of the war by the Treaty of Ghent rendered such a further convocation untimely, and thereafter the New England States never, by the slightest intimation, indicated that they contemplated secession, but, on the contrary, became more and more pronounced in favor of nationalism. Nevertheless the Southerners continually cast the Hartford convention up to the North as interdicting any complaint from that quarter against secession by the South.

Thus, in 1830, during the agitation over nullification, Robert Y. Hayne, Senator from South Carolina, alluded to the Hartford convention. After depicting in glowing colors the calamities of the country at the time the convention assembled, he represented the conduct of the Eastern States, in relation to the war, in as reprehensible a light as the force of language would enable him. For the facts to support his statements, he relied principally upon a partisan book entitled "The Olive

Branch," published shortly after the convention by Theodore Dwight, its secretary. Senator Hayne said:

### The Treason of New England

#### Senator Hayne

As soon as the public mind was sufficiently prepared for the measure [secession], the celebrated Hartford Convention was got up; not as the act of a few unauthorized individuals, but by authority of the legislature of Massachusetts; and, as has been shown by the able historian of that convention, in accordance with the views and wishes of the party of which it was the organ. Now, sir, I do not desire to call in question the motives of the gentlemen who composed that assembly; I knew many of them to be in private life accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say that, if the authors of the Hartford Convention believed that "gross, deliberate, and palpable violations of the Constitution" had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, sir, in any view of the case, the time when and the circumstances under which that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible.

Let us contemplate for a moment the spectacle then exhibited to the view of the world. I will not go over the disasters of the war nor describe the difficulties in which the Government was involved. It will be recollected that its credit was nearly gone, Washington had fallen, the whole coast was blockaded, and an immense force, collected in the West Indies, was about to make a descent which it was supposed we had no means of resisting. In this awful state of our public affairs, when the Government seemed to be almost tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of "reducing us to unconditional submission"—we beheld the peace party in New England (in the language of the work ["The Olive Branch"] before us) pursuing a course calculated to do more injury to their country and to render England more effective service than all her armies. Those who could not find it in their hearts to rejoice at our victories sang "Te Deum" at the King's Chapel in Bos-

ton at the restoration of the Bourbons. Those who would not consent to illuminate their dwellings for the capture of the *Guerriere* could give visible tokens of their joy at the fall of Detroit. The "beacon fires" of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and in the gloomy hours of midnight the very lights burned blue. Such were the dark and portentous signs of the times which ushered into being the renowned Hartford Convention. That convention met, and from their proceedings it appears that their chief object was to keep back the men and money of New England from the service of the Union and to effect radical changes in the Government—changes that can never be effected without a dissolution of the Union.

## Nullification

The Tariff Act of 1828 (see Vol. XII, chapter iv) caused great indignation in the South, especially in South Carolina and Georgia. Mass meetings were held in these States, at which speeches were made and resolutions passed threatening secession from the Union unless the bill were repealed, and calling on the other Southern States to adopt the same attitude. However, this call was not heeded, since there was a general expectation that a Southern man, Andrew Jackson [Tenn.] would be chosen President in the fall election and that he would uphold the cause of his section. Indeed, South Carolina and Georgia, after recording their formal protests against the tariff in the Senate, also decided to cease their agitation and await events.

The North in general, with reprehensible blindness in view of the resolution passed by the Hartford Convention under no great provocation, failed to realize the seriousness of the Southern attitude. President John Quincy Adams, however, felt the gravity of the situation and, in his message of December 2, 1828, strove to pacify the disaffected section of the country by extending hopes of a revision of the obnoxious act and by appealing to the good sense of the Southerners not to enter into a conflict in which, by an anomaly of the Constitution, there was no competent judge, and the Federal

Government would be compelled to support its claim by force.

### Appeal to the South

#### Message of President Adams, December 2, 1828

The tariff of the last session was, in its details, not acceptable to the great interests of any portion of the Union, not even to the interest which it was specially intended to subserve. Its object was to balance the burdens upon native industry imposed by the operation of foreign laws; but not to aggravate the burdens of one section of the Union by the relief afforded to another. To the great principle sanctioned by that act, one of those upon which the Constitution itself was formed, I hope and trust the authorities of the Union will adhere. But if any of the duties imposed by the act only relieve the manufacturer by aggravating the burden of the planter, let a careful revisal of its provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry, and remove or supply the place of those which only alleviate one great national interest by the depression of another.

The United States of America, and the people of every State of which they are composed, are each of them sovereign powers. The legislative authority of the whole is exercised by Congress, under authority granted them in the common Constitution. The legislative power of each State is exercised by assemblies deriving their authority from the constitution of the State. Each is sovereign within its own province. The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the State and general Governments are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two powers has not been supposed; nor has any provision been made for it in our institutions—as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide.

More than once, however, in the progress of our history, have the people and legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the acts of Congress to be resisted were unconstitutional. The

people of no one State have ever delegated to their legislature the power of pronouncing an act of Congress unconstitutional; but they have delegated to them powers, by the exercise of which the execution of the laws of Congress within the State may be resisted. If we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims.

On January 12, 1829, the legislature of Georgia, through one of the Senators of the State, J. McPherson Berrien, entered its solemn protest against the tariff for record in the Senate archives.

### Protest of Georgia

In her sovereign character the State of Georgia protests against the act of the last session of Congress, entitled "An act in alteration of the several acts imposing duties on imports," as deceptive in its title, fraudulent in its pretexts, oppressive in its exactions, partial and unjust in its operations, unconstitutional in its well-known objects, ruinous to commerce and agriculture—to secure a hateful monopoly to a combination of importunate manufacturers.

Demanding the repeal of an act which has already disturbed the Union and endangered the public tranquillity, weakened the confidence of whole States in the Federal Government, and diminished the affection of large masses of the people to the Union itself, and the abandonment of the degrading system which considers the people as incapable of wisely directing their own enterprise; which sets up the servants of the people in Congress as the exclusive judges of what pursuits are most advantageous and suitable for those by whom they were elected, the State of Georgia expects that, in perpetual testimony thereof, the deliberate and solemn expression of her opinion will be carefully preserved among the archives of the Senate; and in justification of her character to the present generation, and to posterity, if, unfortunately, Congress, disregarding the protest, and continuing to pervert powers granted for clearly defined and well-understood purposes, to effectuate objects never intended by the great parties by whom the Constitution was framed, to be entrusted to the controlling guardianship of

the Federal Government, should render necessary measures of a decisive character, for the protection of the people of the State, and the vindication of the Constitution of the United States.

Senator Berrien spoke as follows upon the protest:

Forty years of successful experiment have proved the efficiency of this Government to sustain us in an honorable intercourse with the other nations of the world. Externally, in peace and in war, amid the fluctuations of commerce and the strife of arms, it has protected our interests and defended our rights. One trial, one fearful trial, yet remains to be made. It is one under the apprehension of which the bravest may tremble—which the wise and the good will anxiously endeavor to avoid. It is that experiment which shall test the competency of this Government to preserve our internal peace whenever a question vitally affecting the bond which unites us as one people shall come to be solemnly agitated between the sovereign members of this confederacy. In proportion to its dangers should be our solicitude to avoid it by abstaining, on the one hand, from acts of doubtful legislation, as well as by the manner of resistance, on the other, to those which are deemed unconstitutional. Between the independent members of this confederacy, sir, there can be no common arbiter. They are necessarily remitted to their own sovereign will, deliberately expressed, in the exercise of those reserved rights of sovereignty, the delegation of which would have been an act of political suicide. The designation of such an arbiter, sir, was, by the force of invincible necessity, *casus omissus* among the provisions of a Constitution conferring limited powers, the interpretation of which was to be confided to the subordinate agents created by those who were entrusted to administer it.

I earnestly hope that the wise and conciliatory spirit of this Government and of those of the several States will postpone to a period far distant the day which will summon us to so fearful a trial. If we are indeed doomed to encounter it, I as earnestly hope that it may be entered upon in the spirit of peace and with cherished recollections of former amity. But the occasion which shall impel the sovereign people of even one of the members of this confederacy to resolve that they are not bound by its acts is one to which no patriot can look with levity nor yet with indifference.

South Carolina made its protest on February 10, 1829, through one of its Senators, William Smith.

### Protest of South Carolina

The Senate and House of Representatives of South Carolina do solemnly protest against the system of protecting duties lately adopted by the Federal Government, for the following reasons:

1. Because the good people of this commonwealth believe that the powers of Congress were delegated to it in trust for the accomplishment of certain specified objects which limit and control them, and that every exercise of them for any other purpose is a violation of the Constitution as unwarrantable as the undisguised assumption of substantive independent powers not granted or expressly withheld.

2. Because the power to lay duties on imports is, and in its very nature can be, only a means of effecting the objects specified by the Constitution; since no free Government, and, least of all, a Government of enumerated powers, can, of right, impose any tax (any more than a penalty) which is not at once justified by public necessity and clearly within the scope and purview of the social compact; and since the right of confining appropriations of the public money to such legitimate and constitutional objects is as essential to the liberties of the people as their unquestionable privilege to be taxed only by their own consent.

3. Because they believe that the tariff law passed by Congress at its last session, and all other acts of which the principal object is the protection of manufacturers or any other branch of domestic industry—if they be considered as the exercise of a supposed power in Congress to tax the people at its own good will and pleasure, and to apply the money raised to objects not specified by the Constitution—is a violation of these fundamental principles, a breach of a well-defined trust, and a perversion of the high powers vested in the Federal Government for Federal purposes only.

4. Because such acts, considered in the light of a regulation of commerce, are equally liable to objection; since, although the power to regulate commerce may, like other powers, be exercised so as to protect domestic manufactures, yet it is clearly distinguished from a power to do so *eo nomine*, both in the nature of the thing and in the common acceptation of the terms; and because the confounding of them would lead to the most

extravagant results; since the encouragement of domestic industry implies an absolute control over all the interests, resources, and pursuits of a people; and is inconsistent with the idea of any other than a simple consolidated government.

5. Because, from the contemporaneous expositions of the Constitution, in the numbers of The Federalist (which is cited only because the Supreme Court has recognized its authority), it is clear that the power to regulate commerce was considered by the convention as only incidentally connected with the encouragement of agriculture and manufactures; and because the power of laying imposts and duties on imports was not understood to justify in any case a prohibition of foreign commodities, except as a means of extending commerce by coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose.

6. Because, while the power to protect manufactures is nowhere expressly granted to Congress, nor can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the States by the tenth section of the first article of the Constitution.

7. Because, even admitting Congress have a constitutional right to protect manufactures by the imposition of duties or by regulations of commerce designed principally for that purpose, yet a tariff of which the operation is grossly unequal and oppressive is such an abuse of power as is incompatible with the principles of a free government and the great ends of civil society, justice, and equality of rights and protection.

8. Finally because South Carolina, from her climate, situation, and peculiar institutions, is, and must ever continue to be, wholly dependent upon agriculture and commerce, not only for her prosperity but for her very existence as a State—because the valuable products of her soil, the blessings by which Divine Providence seems to have designed to compensate for the great disadvantages under which she suffers in other respects, are among the very few that can be cultivated with any profit by slave labor; and, if by the loss of her foreign commerce these products should be confined to an inadequate market, the fate of this fertile State would be poverty and utter desolation; her citizens, in despair, would emigrate to more fortunate regions, and the whole frame and constitution of her civil polity be impaired and deranged, if not dissolved entirely.

Deeply impressed with these considerations, the representatives of the good people of this commonwealth, anxiously desiring to live in peace with their fellow citizens and to do

all that in them lies to preserve and perpetuate the Union of the States and the liberties of which it is the surest pledge—but feeling it to be their bounden duty to expose and to resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent, do, in the name of the Commonwealth of South Carolina, claim to enter upon the journals of the Senate their protest against it as unconstitutional, oppressive, and unjust.

Senator Smith supported the protest in the following speech:

South Carolina believed that when, as a sovereign State, she surrendered a portion of her territory it was for certain and specified objects; and that, when those objects were accomplished, the authority ceded to the general Government was at an end; that any measures pursued beyond the objects first contemplated were a violation of the compact. It belonged to the States to resume the authority. South Carolina did not assent to the postulate that the authority was ever delegated to the Government, which the Government had assumed, over individuals and property composing the State. South Carolina had a deep interest in the Government. She had been as patriotic as any State in the revolutionary contest. In that struggle she furnished her full proportion of resources; she spilled her due proportion of blood; and, in point of privations, waste of property, and individual suffering, there she was without a compeer. She had been content to obey all the requisitions of the general Government, and she had done so from the reflection that her sufferings were not for the benefit of one member only, but of the whole Union. She had surrendered what, upon the consideration of wealth, would have placed her among the most opulent States in the Union had she retained it. And she had done it for no other compensation, with no other intention, with no other desire than her expectation of the protection of the general Government. After that struggle was over she was an independent sovereign; she owed no allegiance to the Government of the whole, except by the compact to pay her portion of the expenses of the war. She then surrendered to the general Government a part, the profits of which were second to few, if any, in the Union, and which, except for the present circumstances, would be second to but one in the country. All this South Carolina, perfectly informed of the objects

to be attained, was willing to yield for the sake of union, and was willing to add her strength to that of the others that she might have their strength to protect her rights. She surrendered almost everything in receiving the Constitution, and obtained nothing more from the Government than her own sovereignty already gave her. She gave up her wealth for the security of the other States. South Carolina, in yielding all this, never regretted that she did so until she found that her rights were not secured as she expected they would be. Laws were passed which restrained her citizens and discouraged her industry, and her wealth was taken and bestowed upon the citizens of other States.

During seven years of the old war it was her pride to suffer for the general good; and upon the return of peace the face of her country was indeed a dreary waste. She had risen again, but after three years of the last war she was again reduced; your embargo and your non-intercourse laws had prevented her sending out her products; she was obliged to retain them, and on the return of peace a second time she was again in poverty. News of the peace was received in February, 1815; a law imposing an extra duty for the protection of manufactures dragged on the heels of that declaration. This was yielded to under a pledge that it was only for a few years, that in a short time the manufacturers of this country would be able to compete with those of other countries; that then the people would be satisfied and the duties would be reduced. So far from this, the manufactories had increased; the prosperity of one had induced others to embark in the business, and there had been constant applications for new duties, which had been granted. South Carolina has protested against these duties, but year after year the memorials from South Carolina had slept in the archives of the Senate, if, indeed, they had ever been honored with a place there, while the committee always came in with a bill putting on additional duties.

Senator Robert Y. Hayne [S. C.] also spoke upon the protest:

One of the most unhappy circumstances connected with the present condition of the Southern States is the great, he might perhaps say the insuperable, difficulty of causing their sentiments and feelings to be made known so as to be understood and appreciated by their fellow citizens in other quarters of the Union. Viewing the United States as one country, the

people of the South may almost be considered as strangers in the land of their fathers. The fruits of their industry have from the policy pursued by the Federal Government, for many years past been flowing to the North in a current as steady and undeviating as the waters of the great Gulf; and, as the sources of our prosperity are drying up, that reciprocal intercourse which had softened asperities and bound the different parts of the country together in the bonds of common sympathy and affection has, in a great measure, ceased. That close and intimate communion necessary to a full knowledge of each other no longer exists, and in its place there is springing up (it is useless to disguise the truth) among the people in opposite quarters of the Union a spirit of jealousy and distrust, founded on a settled conviction on the one part that they are the victims of injustice, and on the other that our complaints, if not groundless, may be safely disregarded.

Sir, this state of things, let me assure gentlemen, must not be suffered to continue or it will inevitably lead to the most unhappy consequences. It has become necessary, therefore—indispensably necessary—that the sentiments of our constituents should be expressed in the most deliberate and imposing form, in a manner no longer to be misunderstood or misrepresented. The legislature of South Carolina, coming directly from the people, have, at their late session, with a unanimity without example, instructed their Senators to lay this, their protest, before you. In obedience to that command, my colleague and myself here, in our places, in the presence of the representatives of the several States, and in the face of the whole American people, solemnly protest against the system of protecting duties as "unconstitutional, oppressive, and unjust." We desire that this record may bear witness for us to all future times, that we have earnestly remonstrated with our brethren against the extension of an unwarrantable jurisdiction over us; and, with full experience of the ruinous effects of the system of protecting duties, have denounced it as utterly destructive of our interests. The people of South Carolina find themselves impelled, by their attachment to the principles of the Constitution and by a proud recollection of common dangers and common triumphs, to endeavor to preserve for themselves and their posterity those rights and privileges secured to them by the great charter of our liberties and consecrated by the blood of our fathers. It is (to use the language of the protest) "because they anxiously desire to live in peace with their brethren, to do all that in them lies to preserve and perpetuate the union

of the States and the liberties of which it is the surest pledge" that they now protest against a system which not only aims a fatal blow at the prosperity of South Carolina (dependent as she must ever continue upon agriculture and commerce), but which threatens her very existence as a State.

## CHAPTER II

### The Union: Separable or Inseparable?

Debates in the Senate Between Robert Y. Hayne [S. C.] and Daniel Webster [Mass.] on "Consolidation" and "Nullification"—Thomas H. Benton [Mo.] Replies to Webster's Peroration.

OWING to the prospect of a modification of the tariff in Southern interests, according to the promise of President Adams, in which he was joined by other influential Northern statesmen, the threats of secession by the South quieted down and remained in abeyance.

However, in various debates, the Southern statesmen expressed their adherence to the theory of nullification. The most notable of these debates arose between Robert Y. Hayne [S. C.] and Daniel Webster [Mass.] in connection with a resolution presented in the Senate on January 19, 1830, by Samuel A. Foot [Conn.], inquiring into the expediency of suspending the sale of public lands [see Vol. X, chap. i].

This debate between Hayne and Webster is the great classic of American forensic oratory. Each section of the Union, the South and the North, was represented in the audience by its ablest statesman. Upon the conclusion of Senator Hayne's first speech on nullification (that containing his eulogy of South Carolina) the Southern statesmen and newspapers hailed the effort as one that could not be surpassed in American oratory, and which the great speeches of Burke and Chatham alone equaled in the annals of British eloquence. Senator James Iredell, of North Carolina, however, remarked that Daniel Webster was yet to be heard: "Hayne has aroused the lion; wait till we hear his roar and feel his claws."

On the evening before the day set for Webster's

reply the hotels of Washington were filled with visitors who had hurried to the capital to hear the "Lion of the North" respond to the challenge of the "Achilles of the South"—the popular epithets describing the contestants were more appropriate taken singly than in mutual relation—and early next morning crowds poured into the capitol. C. W. March, a contemporary journalist, thus describes the scene:

At twelve o'clock, the hour of meeting, the Senate Chamber —its galleries, floor and even lobbies—was filled to the utmost capacity. The very stairways were dark with men who hung to one another like bees in a swarm.

The House of Representatives was early deserted; an adjournment would have hardly made it emptier. The Speaker, it is true, retained his chair, but no business of moment was or could be attended to; members all rushed in to hear Mr. Webster, and no call of the House or other parliamentary proceedings could compel them back. The floor of the Senate was so densely crowded that persons once in could not get out nor change their positions. . . .

The courtesy of Senators accorded to the fair sex room on the floor—the most gallant of them their own seats. The gay bonnets and brilliant dresses threw a varied and picturesque beauty over the scene, softening and embellishing it.

Says Senator Thomas H. Benton [Mo.] in his notes of this debate in his "Debates of Congress":

Mr. Hayne deprecated the sale of the public lands for money to accumulate in the treasury as leading to corruption and consolidation. Mr. Webster argued that consolidation was not the danger, but, on the contrary, disunion, and referred to language and proceedings in South Carolina uncivic in their import and tending to this dire extremity. Mr. Webster formally exonerated Mr. Hayne from complicity in any of this language or conduct, but implicated others, one of whom was present, his position forbidding him to engage in senatorial discussion [Mr. Calhoun, Vice-President of the United States and President of the Senate]. The generous spirit of Mr. Hayne came to the defence of friends who could not speak for themselves and that brought on the great debate on nullification and disunion.

## Consolidation

### Senate, January 19-20, 1830

Senator Hayne.—I distrust the policy of creating a great permanent national treasury, whether to be derived from public lands or from any other source. If I had, sir, the power of a magician, and could, by a wave of my hand, convert this Capitol into gold for such a purpose, I would not do it. If I could, by a mere act of my will, put at the disposal of the Federal Government any amount of treasure which I might think proper to name, I should limit the amount to the means necessary for the legitimate purposes of the Government. Sir, an immense national treasury would be a fund for corruption. It would enable Congress and the Executive to exercise a control over States, as well as over great interests in the country, nay, even over corporations and individuals—utterly destructive to the purity and fatal to the duration of our institutions. It would be equally fatal to the sovereignty and independence of the States. Sir, I am one of those who believe that the very life of our system is the independence of the States, and that there is no evil more to be deprecated than the consolidation of this Government. It is only by a strict adherence to the limitations imposed by the Constitution on the Federal Government that this system works well and can answer the great ends for which it was instituted. I am opposed, therefore, in any shape, to all unnecessary extension of the powers or the influence of the legislature or Executive of the Union over the States or the people of the States; and, most of all, I am opposed to those partial distributions of favors, whether by legislation or appropriation, which have a direct and powerful tendency to spread corruption through the land; to create an abject spirit of dependence; to sow the seeds of dissolution; to produce jealousy among the different portions of the Union, and finally to sap the very foundations of the Government itself.

Would it not be sound policy and true wisdom to adopt a system of measures looking to the final relinquishment of these lands on the part of the United States to the States in which they lie, on such terms and conditions as may fully indemnify us for the cost of the original purchase and all the trouble and expense to which we may have been put on their account? Giving up the plan of using these lands forever as a fund either for revenue or distribution, ceasing to hug them as a great treasure, renouncing the idea of administering them with

Robt. J. Payne

a view to regulate and control the industry and population of the States, or of keeping in subjection and dependence the States, or the people of any portion of the Union, the task will be comparatively easy of striking out a plan for the final adjustment of the land question on just and equitable principles. In short, our whole policy in relation to the public lands may perhaps be summed up in the declaration that they ought not to be kept and retained forever as a great treasure, but that they should be administered chiefly with a view to the creation, within reasonable periods, of great and flourishing communities, to be formed into free and independent States; to be vested in due season with the control of all the lands within their respective limits.

Senator Webster expressed his deep regret and pain at hearing the sentiments of the Senator from South Carolina.

I am aware that these and similar opinions are espoused by certain persons out of the Capitol and out of this Government; but I did not expect so soon to find them here. Consolidation! —that perpetual cry, both of terror and delusion—consolidation! Sir, when gentlemen speak of the effects of a common fund, belonging to all the States, as having a tendency to consolidation, what do they mean? Do they mean, or can they mean, anything more than that the Union of the States will be strengthened by whatever continues or furnishes inducements to the people of the States to hold together? If they mean merely this, then, no doubt, the public lands, as well as everything else in which we have a common interest, tend to consolidation; and to this species of consolidation every true American ought to be attached; it is neither more nor less than strengthening the Union itself. This is the sense in which the framers of the Constitution use the word consolidation; and in which sense I adopt and cherish it. They tell us, in the letter submitting the Constitution to the consideration of the country, that "in all our deliberations on this subject we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which are involved our prosperity, felicity, safety; perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected."

This, sir, is General Washington's consolidation. This is the true constitutional consolidation. I wish to see no new powers drawn to the general Government; but I confess I rejoice in whatever tends to strengthen the bond that unites us and encourages the hope that our Union may be perpetual. And therefore I cannot but feel regret at the expression of such opinions as the gentleman has avowed; because I think their obvious tendency is to weaken the bond of our connection. I know that there are some persons in the part of the country from which the honorable member comes who habitually speak of the Union in terms of indifference or even of disparagement. The honorable member himself is not, I trust, and can never be, one of these. They significantly declare that it is time to calculate the value of the Union; and their aim seems to be to enumerate and to magnify all the evils, real and imaginary, which the Government under the Union produces.

The tendency of all these ideas and sentiments is obviously to bring the Union into discussion, as a mere question of present and temporary expediency; nothing more than a mere matter of profit and loss. The Union to be preserved, while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes. Union, of itself, is considered by the disciples of this school as hardly a good. It is only regarded as a possible means of good; or, on the other hand, as a possible means of evil. They cherish no deep and fixed regard for it, flowing from a thorough conviction of its absolute and vital necessity to our welfare. Sir, I deprecate and deplore this tone of thinking and acting. I deem far otherwise of the Union of the States, and so did the framers of the Constitution themselves. What they said I believe; fully and sincerely believe, that the Union of the States is essential to the prosperity and safety of the States. I am a unionist, and in this sense a National Republican. I would strengthen the ties that hold us together. Far, indeed, in my wishes, very far distant be the day, when our associated and fraternal stripes shall be severed asunder, and when that happy constellation under which we have risen to so much renown shall be broken up and be seen sinking, star after star, into obscurity and night!

The debate on Mr. Foot's resolution relative to the public lands had now entirely lost its original character and become a general controversy between the North and the South, represented in the particular States of

Massachusetts and South Carolina, on the questions of nullification and disunion.

## Disunion by Nullification

### Senate, January 25-27, 1830

Senator Hayne.—The honorable gentleman from Massachusetts [Mr. Webster], while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Now, I call upon everyone who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that, at the time this unprovoked and uncalled-for attack was made upon the South, not one word had been uttered by me in disparagement of New England, nor had I made the most distant allusion either to the Senator from Massachusetts or the State he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the South through me, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold. I will struggle while I have life for our altars and our firesides, and, if God gives me strength, I will drive back the invader, discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy's territory, and not consent to lay down my arms until I shall have obtained "indemnity for the past and security for the future." It is with unfeigned reluctance that I enter upon the performance of this part of my duty. I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, sir, the task has been forced upon me, and I proceed right onward to the performance of my duty; be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone, and if he shall find, according to a homely adage, "that he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor

of South Carolina—of that my constituents shall judge. If there be one State in this Union (and I say it not in a boastful spirit) that may challenge comparison with any other for a uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity, but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded by difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound—every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country. What, sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But, great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create commercial rivalship, they might have found in their situation a guarantee that their trade would be forever fostered and protected by Great Britain. But trampling on all considerations, either of interest or of safety, they rushed into the conflict, and, fighting for principle, periled all in the sacred cause of freedom. Never were there exhibited in the history of the world higher examples of noble daring, dreadful suffering, and heroic endurance than by the Whigs of Carolina during that Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The "plains of Carolina" drank up the most precious blood of her citizens! Black and smoking ruins marked the places which had been the habitations of her children! Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumters and her Marions) proved by her conduct that, though her soil might be overrun, the spirit of her people was invincible.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the Constitution." He called it "an idle" or "a ridiculous notion," or something to that effect, and added it would make the Union "a mere rope of sand." Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies, and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98; the doctrine of the celebrated "Virginia Resolutions" of that year, and of "Madison's Report" of '99, which deserves to last as long as the Constitution itself.[1]

But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the Declaration of American Independence. In those resolutions the legislature of Kentucky declare "that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress."

Time and experience confirmed Mr. Jefferson's opinion on this all-important point. In the year 1821 he expressed himself in this emphatic manner: "It is a fatal heresy to suppose that either our State governments are superior to the Federal or the Federal to the State; neither is authorized literally to decide which belongs to itself or its co-partner in government; in differences of opinion between their different sets of public servants, the appeal is to neither, but to their employers, peaceably assembled by their representatives in convention." The opinions of Mr. Jefferson on this subject have been so repeatedly

[1] See Volume VII, chapter IV.

and so solemnly expressed that they may be said to have been the most fixed and settled convictions of his mind.

In the protest prepared by him for the legislature of Virginia, in December, 1825, in respect to the powers exercised by the Federal Government in relation to the tariff and internal improvements, which he declares to be "usurpations of the powers retained by the States, mere interpolations into the compact, and direct infractions of it," he solemnly reasserts all the principles of the Virginia resolutions of '98, protests against "these acts of the Federal branch of the Government as null and void, and declares that, although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater: submission to a Government of unlimited powers. It is only when the hope of this shall become absolutely desperate that further forbearance could not be indulged."

Such, sir, are the high and imposing authorities in support of the "Carolina doctrine," which is, in fact, the doctrine of the Virginia resolutions of 1798.

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the Federal and Republican parties, and the great political revolution which then took place turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." Resting on authority like this, I will ask gentlemen whether South Carolina has not manifested a high regard for the Union when, under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no further than to petition, remonstrate, and solemnly to protest against a series of measures which she believes to be wholly unconstitutional and utterly destructive of her interests? Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to go, in relation to the very subject of our present complaints; not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the Senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine that it is the right of a State to judge of the violations of the Constitution on the part of the Federal Government, and to protect her citizens from the operation of unconstitutional laws, was held by the enlightened citizens of Boston who assembled in Faneuil Hall on the 25th January, 1809. They

state, in that celebrated memorial, that "they looked only to the State legislature, who were competent to devise relief against the unconstitutional acts of the general Government. That your power [say they] is adequate to that object is evident from the organization of the confederacy."

A distinguished Senator from one of the New England States [Mr. Hillhouse], in a speech delivered here on a bill for enforcing the embargo, declared: "I feel myself bound in conscience to declare, lest the blood of those who shall fall in the execution of this measure shall be on my head, that I consider this to be an act which directs a mortal blow at the liberties of my country; an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit."

And the Senator from Massachusetts himself, in a speech delivered on the same subject in the other House, said: "This opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction that such policy is destructive to the interests of the people and dangerous to the being of the Government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discretion, they will walk, and walk fearlessly." How "the being of the Government" was to be endangered by "constitutional opposition to the embargo" I leave to the gentleman to explain.

Thus it will be seen, said Mr. H., that the South Carolina doctrine is the Republican doctrine of '98; that it was first promulgated by the fathers of the faith; that it was maintained by Virginia and Kentucky in the worst of times; that it constituted the very pivot on which the political revolution of that day turned; that it embraces the very principles the triumph of which at that time saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the Federal Government is the exclusive judge of the extent, as well as the limitations, of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all or any of its departments, is to prescribe the limits of its own authority, and the States are

bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be overleaped, this is practically "a Government without limitation of powers." The States are at once reduced to mere petty corporations and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the Federal Government, have, it is true, prostrated her interests and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal Government and leaves them nothing that they can call their own. Sir, if the measures of the Federal Government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No; but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if, in acting on these high motives, if, animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, we should be hurried beyond the bounds of a cold and calculating prudence, who is there with one noble and generous sentiment in his bosom that would not be disposed, in the language of Burke, to exclaim: "You must pardon something to the spirit of liberty!"

Senator Webster said: In carrying his warfare, such as it was, into New England, the honorable gentleman all along professes to be acting on the defensive. He elects to consider me as having assailed South Carolina, and insists that he comes forth only as her champion and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I had assailed the character of the State, her honor or patriotism, that I had reflected on her

history or her conduct, he had not the slightest ground for any such assumption. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this it seems I was mistaken. I do not remember that the gentleman has disclaimed any sentiment or any opinion of a supposed anti-union tendency which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove that, in divers times and manners, sentiments equally liable to my objection have been promulgated in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labors, all along, to load these, his own chosen precedents. By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example in good set terms.

Before I proceed further let me observe that the eulogium pronounced on the character of the State of South Carolina by the honorable gentlemen, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for countrymen, one and all. The Laurenses, the Rutledges, the Pinckneys, the Sumters, the Marions—Americans all—whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he suppose me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light in Massachusetts, instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir; increased gratification and delight, rather. Sir, I thank God that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, sir, in my place, here in the Senate or elsewhere, to sneer at public merit because it

happened to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or if I see an uncommon endowment of Heaven—if I see extraordinary capacity and virtue in any son of the South—and if, moved by local prejudice or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrances of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution—hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

I shall enter on no encomiums upon Massachusetts; she needs none. There she is; behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, fallen in the great struggle for independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its infant voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it; if party strife and blind ambition shall hawk at and tear it; if folly and madness; if uneasiness, under salutary and necessary restraint, shall succeed to separate it from that Union by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever of vigor it may still retain, over the friends who may gather round it; and it will fall at last, if fall it must, amid the proudest monuments of its own glory and on the very spot of its origin.

There yet remains to be performed, said Mr. W., by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state, and to defend, what I

conceive to be the true principles of the Constitution, under which we are here assembled.

I understand the honorable gentleman from South Carolina to maintain that it is a right of the State legislatures to interfere whenever, in their judgment, this Government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing under the Constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the general Government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general Government or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general Government transcends its power.

I understand him to insist that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general Government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it and to compare it with the Constitution.

Mr. Hayne here rose, and said that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution:

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."

Mr. Webster resumed: As the gentleman construes it, the resolution is an authority for him. Possibly he may not have adopted the right construction. That resolution declares that, in the case of the dangerous exercise of powers not granted to the general Government, the States may interpose to arrest the progress of the evil. But how interpose, and what does this declaration purport? Does it mean no more than that there may be extreme cases, in which the people, in any code of assembling, may resist usurpation and relieve themselves from a tyrannical Government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much in his theory and practice, too, of the English constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that, when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general Government lies in a direct appeal to the interference of the State governments. [Mr. Hayne here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was that, in case of plain, palpable violation of the Constitution by the general Government a State may interpose; and that this interposition is constitutional.] Mr. W. resumed: So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their Government I do not deny; and they have another right, and that is to resist unconstitutional laws, without overturning the Government. The great question is, whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges. The proposition that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and

annul the law of Congress is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution, for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution, or rebellion, on the other. I say the right of a State to annul a law of Congress cannot be maintained but on the ground of the inalienable right of man to resist oppression; that is to say upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit that, under the Constitution and in conformity with it, there is any mode in which a State Government, as a member of the Union, can interfere and stop the progress of the general Government by force of her own laws under any circumstances whatever.

This leads us to inquire into the origin of this Government and the source of its power. Whose agent is it? Is it the creature of the State legislature or the creature of the people? If the Government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining not only that this general Government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this Government in its true character. It is, sir, the people's Constitution, the people's Government; made for the people; made by the people; and answerable to the people.[1] The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority. The States are unquestionably sovereign, so far as their sov-

[1] This is one of the many "original" sources of Lincoln's characterization of the American Government as "of the people, for the people, by the people."

ereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general Government, so far the grant is unquestionably good, and the Government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general Government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary. The National Government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred propounds that State sovereignty is to be controlled only by its own "feeling of justice"; that is to say, that it is not to be controlled at all: for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable gentleman has now stood upon this floor to maintain. In one of them I find it resolved that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning

and intention of the Federal compact; and, as such, a dangerous, palpable, and deliberate usurpation of power by a determined majority, wielding the general Government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of the manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe again that all the qualifications are here rehearsed and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express the same opinion by the voice of her legislature. That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. They hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he relieve us from this difficulty upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a Government of uniform laws, and under a Constitution, too, which contains an express provision, as it hap-

pens, that all duties shall be equal in all the States! Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old confederation?

It is too plain to be argued. Four and twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their union! What is such a state of things but a mere connection during pleasure; or, to use the phraseology of the times, during feeling? And that feeling, too, not the feeling of the people who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say that, appealing with confidence to the Constitution itself, to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, said Mr. W., this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or, it may be more properly said, it is identical with it rather than a result from it.

In the same publication we find the following: "Previously to our Revolution, when the arm of oppression was stretched over New England, where did our Northern brethren meet with a braver sympathy than that which sprung from the bosoms of Carolinians? We had no extortion, no oppression, no collision with the king's ministers, no navigation interests springing up in envious rivalry of England."

This seems extraordinary language. South Carolina no collision with the King's ministers in 1775! No extortion! No

oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can anyone fail to see that it was designed to raise in the reader's mind the question whether, at this time—that is to say, in 1828, South Carolina has any collision with the King's ministers, any oppression or extortion, to fear from England? Whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man in South Carolina in 1828 should thus labor to prove that, in 1775, there was no hostility, no cause of war between South Carolina and England? That she had no occasion, in reference to her own interest, or from a regard to her own welfare, to take up arms in the revolutionary contest? Can anyone account for the expression of such strange sentiments, and their circulation through the State, otherwise than by supposing the object to be, what I have already intimated, to raise the question, if they had no "collision" (mark the expression) with the ministers of King George the Third in 1775, what collision have they in 1828 with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from Old, more, or rather, than from New England?

And now, sir, what I have first to say on this subject is that at no time and under no circumstances has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to support his own opinions by New England authority. New England has studied the Constitution in other schools and under other teachers. She looks upon it with other regards, and deems more highly and reverently both of its authority and its utility and excellence. The history of her legislative proceedings may be traced; the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up—they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored; it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses she always will reject it. The honorable member has referred to expressions on the subject of the embargo law made in this place by an honorable and venerable gentleman [Mr. Hillhouse], now favoring us with

his presence. He quotes that distinguished Senator as saying that, in his judgment, the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; but then it does not rest with a resolution, or a law of a State legislature, to decide whether an act of Congress be or be not constitutional. Who did the venerable Connecticut Senator suppose was to decide that question? The State legislatures? Certainly not. No such sentiment ever escaped his lips. Let us follow up, sir, this New England opposition to the embargo laws; let us trace it till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the legislature of Massachusetts, asserting the Carolina doctrine—that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiments of the legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of the Government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her: for, notwithstanding all this dissatisfaction and dislike, she claimed no right still to sever asunder the bonds of the Union. There was heat and there was anger in her political feelings. Be it so; her heat or her anger did not, nevertheless, betray her into infidelity to the Government. The gentleman labors to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; but did she propose the Carolina remedy? Did she threaten to interfere by State authority to annul the laws of the Union? That is the question for the gentleman's consideration.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England in the times of the embargo and non-intercourse we should probably not now have been here. The Government would, very likely, have gone to pieces and crumbled into dust. No stronger case can

ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If that which is thought palpably unconstitutional in South Carolina justifies that State in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing? Sir, I deny the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachusetts in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise, by Congress, of a dangerous power, not granted to them, the resolutions assert the right, on the part of the State, to interfere and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance; or by proposing to the people an alteration of the Federal constitution. This would all be quite unobjectionable; or it may be that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed the resolutions could have meant by it: for I shall not readily believe that he was ever of opinion that a State, under the Constitution and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of Congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, whence is this supposed right of the States derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the

honorable gentleman maintains is a notion founded on a total misapprehension, in my judgment, of the origin of this Government, and of the foundation on which it stands. I hold it to be a popular Government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted, by them, to our administration. It is not the creature of the State governments. It is of no moment to the argument that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers—a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures; and which they might have left to be performed elsewhere if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition that this whole Government—President, Senate, and House of Representatives—is a popular Government. It leaves it still all its popular character. The governor of a State (in some of the States) is chosen, not directly by the people, but by those who are chosen by the people for the purpose of performing, among other duties, that of electing a governor. Is the government of a State, on that account, not a popular government? This Government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures. Nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it for the very purpose, among others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this Government. They gave it a Constitution; and in that Constitution they have enumerated the powers which they bestow on it. They have made it

a limited Government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or to the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the Government? Sir, they have settled all this in the fullest manner. They have left it with the Government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a Government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of Government under the confederacy. Under that system the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were not of binding force till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit. But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of powers to Congress and restrictions on these powers. There are also prohibitions on the States. Some authority must, therefore, necessarily exist having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "the Constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."

This, sir, was the first great step. By this the supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself

decides also by declaring "that the judicial power shall extend to all cases arising under the Constitution and laws of the United States." These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch. With these it is a Constitution; without them it is a confederacy. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and, but for this, it would, in all probability, have been now among things which are past. Having constituted the Government and declared its powers, the people have further said that, since somebody must decide on the extent of these powers, the Government shall itself decide; subject, always, like other popular Governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere? Who or what gives them the right to say to the people: "We, who are your agents and servants for one purpose, will undertake to decide that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them?" The reply would be, I think, not impertinent: "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say that, in an extreme case, a State government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves, without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general Government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my

oath of office or otherwise, to come under any responsibility except to the people and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could anything have been more preposterous than to make a government for the whole Union and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four and twenty popular bodies, each at liberty to decide for itself and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would anything with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the Government by forced or unfair construction. I admit that it is a Government of strictly limited powers, of enumerated, specified, and particularized powers; and that whatsoever is not granted is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the general Government would be good for nothing, it would be incapable of long existing, if some mode had not been provided in which these doubts, as they should arise, might be peaceably, but authoritatively, solved.

And now let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi.* If a thing can be done, an ingenious man can tell how it is to be done. Now, I wish to be informed how this State interference is to be put in practice without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens

thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws; he, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue: the marshal, with his *posse*, will come to the collector's aid, and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the nullifying act on his standard, and spread it out as his banner! It will have a preamble, bearing, that the tariff laws are palpable, deliberate, and dangerous violations of the Constitution! He will proceed, with this banner flying, to the custom-house in Charleston:

"All the while,
"Sonorous metal blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would, probably, not desist at his bidding. Here would ensue a pause: for they say that a certain stillness precedes the tempest. Before this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request, of their gallant commander-in-chief, to be informed a little upon the point of law: for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution, in Carolina, of a law of the United States, and it should turn out, after all, that the law was constitutional? He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets; but treason has a way of taking people off that we do not much relish. How do you propose to defend us? "Look at my float-

ing banner," he would reply; "see there the nullifying law!" Is it your opinion, gallant commander, they would then say, that if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That all may be so; but, if the tribunals should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax, worse than any part of the tariff. The honorable gentleman would be in a dilemma like that of another great general; he would have a knot before him which he could not untie. He must cut it with his sword; he must say to his followers, Defend yourselves with your bayonets!—and this is war—civil war.

Direct collision, therefore, between force and force is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist, by force, the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the Government. They lead directly to disunion and civil commotion; and therefore it is, that, at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues that, if this Government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this matter, if left to the exercise of State legislatures, has any tendency to subvert the Government of the Union. The gentleman's opinion may be that the right ought not to have been lodged with the general Government; he may like better such a constitution as we should have under the right of

State interference; but I ask him to meet me on the plain matter of fact; I ask him to meet me on the Constitution itself; I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what the grounds of it? Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people, who established it, shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the general Government, they can alter that distribution at will.

If anything be found in the national Constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is; while they are satisfied with it, and refuse to change it, who has given, or who can give, to the State legislatures, a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves; they imagine there is no safety for them any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the general Constitution, to those hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the Government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a State trust their own State governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed their trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And finally the people of the United States have, at no time, in no way, directly or indirectly,

authorized any State legislature to construe or interpret their high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people, in these respects, had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And, if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist, in every State, but as a poor dependent on State permission. It must borrow leave to be; and will be no longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But, sir, although there are fears, there are hopes, also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, nullified, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust, faithfully to preserve, and wisely to administer it.

I cannot persuade myself to relinquish this subject without expressing once more my deep conviction that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto to have kept steadily in view the prosperity and honor of the whole country, and the perservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influence these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and, although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness. I have not allowed myself, sir, to look beyond the Union, to see what might lie hid-

den in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor, in the affairs of this Government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people, when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us for us and our children. Beyond that, I seek not to penetrate the veil. God grant that, in my day, at least, that curtain may not rise. God grant that, on my vision, never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as, What is all this worth? Nor those other words of delusion and folly, Liberty first and Union afterward; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty *and* Union, now and forever, one and inseparable!

Senator Hayne.—It has been asked, why not compel a State, objecting to the constitutionality of a law, to appeal to her sister States, by a proposition to amend the Constitution? I answer, because such a course would, in the first instance, admit the exercise of an unconstitutional authority, which the States are not bound to submit to, even for a day, and because it would be absurd to suppose that any redress could ever be obtained by such an appeal, even if a State were at liberty to make it. If a majority of both Houses and Congress should, from any motive, be induced, deliberately, to exercise "powers not granted," what prospect would there be of "arresting the progress of the evil," by a vote of three-fourths? But the Constitution does not permit a minority to submit to the people a

proposition for an amendment to the Constitution. Such a proposition can come only from "two-thirds of the two Houses of Congress, or the legislatures of two-thirds of the States." It will be seen, therefore, at once, that a minority, whose constitutional rights are violated, can have no redress by an amendment of the Constitution. When any State is brought into direct collision with the Federal Government, in case of an attempt, by the latter, to exercise unconstitutional powers, the appeal must be made by Congress (the party proposing to exert the disputed power), in order to have it expressly conferred, and, until so conferred, the exercise of such authority must be suspended. Even in cases of doubt such an appeal is due to the peace and harmony of the Government. On this subject our present Chief Magistrate, in his opening message to Congress, says: "I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the especial guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a Government of limited and specific, and not general, powers must be admitted by all; and it is our duty to preserve for it the character intended by its framers. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence, the Federal system can never fall."

But the gentleman apprehends that this will "make the Union a rope of sand." Sir, I have shown that it is a power indispensably necessary to the preservation of the constitutional rights of the States and of the people. I now proceed to show that it is perfectly safe, and will practically have no effect but to keep the Federal Government within the limits of the Constitution, and prevent those unwarrantable assumptions of power, which cannot fail to impair the rights of the States, and

finally destroy the Union itself. This is a Government of checks and balances. All free governments must be so. The whole organization and regulation of every department of the Federal as well as of the State governments establish, beyond a doubt, that it was the first object of the great fathers of our Federal system to interpose effectual checks to prevent that over-action which is the besetting sin of all governments, and which has been the great enemy to freedom over all the world.

In the Kentucky resolutions of '98 it is explicitly declared "that the several States which formed the Constitution, being sovereign and independent, have the unquestionable right to judge of its infractions, and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy."

But the gentleman says this right will be dangerous. Sir, I insist that, of all the checks that have been provided by the Constitution, this is by far the safest and the least liable to abuse. It is admitted by the gentleman that the Supreme Court may declare a law to be unconstitutional and check your further progress. Now, the Supreme Court consists of only seven judges; four are a quorum, three of whom are a majority, and may exercise this mighty power. Now, the judges of this court are without any direct responsibility, in matters of opinion, and may certainly be governed by any of the motives which it is supposed will influence a State in opposing the acts of the Federal Government. Sir, it is not my desire to excite prejudice against the Supreme Court. I not only entertain the highest respect for the individuals who compose that tribunal, but I believe they have rendered important services to the country; and that, confined within their appropriate sphere (the decision of questions "of law and equity"), they will constitute a fountain from which will forever flow the streams of pure and undefiled justice, diffusing blessings throughout the land. I object only to the assumption of political power by the Supreme Court—a power which belongs not to them, and which they cannot safely exercise. But, surely, a power which the gentleman is willing to confide to three judges of the Supreme Court may safely be intrusted to a sovereign State. Sir, there are so many powerful motives to restrain a State from taking such high ground as to interpose her sovereign power to protect her citizens from unconstitutional laws, that the danger is not that this power will be wantonly exercised, but that she will fail to exert it, even on proper occasions.

A State will be restrained by a sincere love of the Union.

The people of the United States cherish a devotion to the Union, so pure, so ardent, that nothing short of intolerable oppression can ever tempt them to do anything that may possibly endanger it. Sir, there exists, moreover, a deep and settled conviction of the benefits which result from a close connection of all the States for purposes of mutual protection and defence. This will coöperate with the feelings of patriotism to induce a State to avoid any measures calculated to endanger that connection. A State will always feel the necessity of consulting public opinion, both at home and abroad, before she resorts to any measures of such a character. She will know that, if she acts rashly, she will be abandoned even by her own citizens, and will utterly fail in the object she has in view. If, as is asserted in the Declaration of Independence, all experience has proved that mankind are more disposed to suffer, while evils are sufferable, than to resort to measures for redress why should this case be an exception, where so many additional motives must always be found for forbearance? Look at our own experience on this subject. Virginia and Kentucky, so far back as '98, avowed the principles for which I have been contending—principles which have never since been abandoned; and no instance has yet occurred in which it has been found necessary, practically, to exert the power asserted in those resolutions.

If the alien and sedition laws had not been yielded to the force of public opinion, there can be no doubt that the State of Virginia would have interposed to protect her citizens from its operation. And, if the apprehension of such an interposition by a State should have the effect of restraining the Federal Government from acting, except in cases clearly within the limits of their authority, surely no one can doubt the beneficial operation of such a restraining influence. Mr. Jefferson assures us that the embargo was actually yielded up, rather than force New England into open opposition to it. And it was right to yield it, sir, to the honest convictions of its unconstitutionality entertained by so large a portion of our fellow-citizens. If the knowledge that the States possess the constitutional right to interpose, in the event of "gross, deliberate, and palpable violations of the Constitution," should operate to prevent a perseverance in such violations, surely the effect would be greatly to be desired. But there is one point of view in which this matter presents itself to my mind with irresistible force. The Supreme Court, it is admitted, may nullify an act of Congress, by declaring it to be unconstitutional. Can Congress, after such a nullification, proceed to enforce the law, even if they

should differ in opinion from the Court? What, then, would be the effect of such a decision? And what would be the remedy in such a case? Congress would be arrested in the exercise of the disputed power, and the only remedy would be an appeal to the creating power, three-fourths of the States, for an amendment of the Constitution. And by whom must such an appeal be made? It must be made by the party proposing to exercise the disputed power. Now I will ask whether a sovereign State may not be safely intrusted with the exercise of a power, operating merely as a check, which is admitted to belong to the Supreme Court, and which may be exercised every day, by any three of its members? Sir, no ideas that can be formed of arbitrary power on the one hand, and abject dependence on the other, can be carried further than to suppose that three individuals, mere men, "subject to like passions with ourselves," may be safely intrusted with the power to nullify an act of Congress, because they conceive it to be unconstitutional; but that a sovereign and independent State is bound, implicitly, to submit to its operation, even where it violates, in the grossest manner, her own rights or the liberties of her citizens. But we do not contend that a common case would justify the interposition.

This is "the extreme medicine of the State," and cannot become our daily bread.

The gentleman has called upon us to carry out our scheme practically. Now, sir, if I am correct in my view of this matter, then it follows, of course, that, the right of a State being established, the Federal Government is bound to acquiesce in a solemn decision of a State, acting in its sovereign capacity, at least so far as to make an appeal to the people for an amendment to the Constitution. This solemn decision of a State (made either through its legislature, or a convention, as may be supposed to be the proper organ of its sovereign will—a point I do not propose now to discuss) binds the Federal Government, under the highest constitutional obligation, not to resort to any means of coercion against the citizens of the dissenting State. How, then, can any collision ensue between the Federal and State governments, unless, indeed, the former should determine to enforce the law by unconstitutional means? What could the Federal Government do in such a case? Resort, says the gentleman, to the courts of justice. Now, can any man believe that, in the face of a solemn decision of a State, an act of Congress is "a gross, palpable, and deliberate violation of the Constitution," and that, if the State interposed its sovereign authority

to protect its citizens from the usurpation, juries could be found ready merely to register the decrees of the Congress, wholly regardless of the unconstitutional character of their acts? Will the gentleman contend that juries are to be coerced to find verdicts at the point of the bayonet? And, if not, how are the United States to enforce an act solemnly pronounced to be unconstitutional? But, if the attempt should be made to carry such a law into effect, by force, in what would the case differ from an attempt to carry into effect an act nullified by the courts, or to do any other unlawful and unwarrantable act? Suppose Congress should pass an agrarian law, or a law emancipating our slaves, or should commit any other gross violation of our constitutional rights, will any gentleman contend that the decision of every branch of the Federal Government, in favor of such laws, could prevent the States from declaring them null and void, and protecting their citizens from their operation?

Sir, if Congress should ever attempt to enforce any such laws, they would put themselves so clearly in the wrong that no one could doubt the right of the State to exert its protecting power.

Sir, the gentleman has alluded to that portion of the militia of South Carolina with which I have the honor to be connected, and asked how they would act in the event of the nullification of the tariff law by the State of South Carolina? The tone of the gentleman, on this subject, did not seem to me as respectful as I could have desired. I hope, sir, no imputation was intended.

Senator Webster.—Not at all; just the reverse.

Senator Hayne.—Well, sir, the gentleman asks what their leaders would be able to read to them out of Coke upon Littleton, or any other law book, to justify their enterprise? Sir, let me assure the gentleman that, whenever any attempt shall be made, from any quarter, to enforce unconstitutional laws, clearly violating our essential rights, our leaders (whoever they may be) will not be found reading black letter from the musty pages of old law books. They will look to the Constitution, and when called upon, by the sovereign authority of the State, to preserve and protect the rights secured to them by the charter of their liberties, they will succeed in defending them, or "perish in the last ditch."

Sir, I will put the case home to the gentleman. Is there any violation of the constitutional rights of the States, and the liberties of the citizen (sanctioned by Congress and the Supreme

Court), which he would believe it to be the right and duty of a State to resist? Does he contend for the doctrine of "passive obedience and non-resistance"? Would he justify an open resistance to an act of Congress, sanctioned by the courts, which should abolish the trial by jury, or destroy the freedom of religion, or the freedom of the press? Yes, sir, he would advocate resistance in such cases; and so would I, and so would all of us. But such resistance would, according to his doctrine, be revolution; it would be rebellion. According to my opinion, it would be just, legal, and constitutional resistance. The whole difference between us, then, consists in this: The gentleman would make force the only arbiter in all cases of collision between the States and the Federal Government. I would resort to a peaceful remedy, the interposition of the State to "arrest the progress of the evil," until such time as "a convention (assembled at the call of Congress, or two-thirds of the States) shall decide to which they mean to give an authority claimed by two of their organs." Sir, I say with Mr. Jefferson (whose words I have here borrowed), that "it is the peculiar wisdom and felicity of our Constitution to have provided this peaceable appeal, where that of other nations" (and I may add that of the gentleman) "is at once to force."

The gentleman has made an eloquent appeal to our hearts in favor of union. Sir, I cordially respond to that appeal. I will yield to no gentleman here in sincere attachment to the Union; but it is a union founded on the Constitution, and not such a union as that gentleman would give us, that is dear to my heart. If this is to become one great "consolidated Government," swallowing up the rights of the States, and the liberties of the citizen, "riding over the plundered ploughmen and beggared yeomanry," the Union will not be worth preserving. Sir, it is because South Carolina loves the Union, and would preserve it forever, that she is opposing now, while there is hope, those usurpations of the Federal Government which, once established, will, sooner or later, tear this Union into fragments. The gentleman is for marching under a banner, studded all over with stars, and bearing the inscription Liberty and Union. I had thought, sir, the gentleman would have borne a standard, displaying in its ample folds a brilliant sun, extending its golden rays from the center to the extremities, in the brightness of whose beams the "little stars hide their diminished heads." Ours, sir, is the banner of the Constitution: the twenty-four stars are there, in all their undiminished luster; on it is inscribed, Liberty—the Constitution—Union. We offer up our

fervent prayers to the Father of all Mercies that it may continue to wave, for ages yet to come, over a free, a happy, and a united people.

At the conclusion of his peroration upon "Liberty and Union now and forever, one and inseparable," Webster's fame as the greatest orator of his age was assured, and thenceforth he received the high-sounding but none too extravagant title of "The Expounder and Defender of the Constitution."

The peroration, however, was eloquently, and, as it seemed then but not later, pertinently objected to a few days afterward (on February 2, 1830,) by Thomas H. Benton [Mo.] in a speech in the Senate.

## An Untimely Prodigy

### Senator Benton on Webster's Peroration

Senator Benton said: Among the novelties of this debate is that part of the speech of the Senator from Massachusetts which dwells with such elaboration of argument and ornament upon the love and blessings of Union—the hatred and horror of disunion. It was a part of the Senator's speech which brought into full play the favorite Ciceronian figure of amplification. It was up to the rule in that particular. But it seemed to me that there was another rule, and a higher, and a precedent one, which it violated. It was the rule of propriety; that rule which requires the fitness of things to be considered; which requires the time, the place, the subject, and the audience, to be considered; and condemns the delivery of the argument, and all its flowers, if it fails in congruence to these particulars. I thought the essay upon union and disunion had so failed. It came to us when we were not prepared for it; when there was nothing in the Senate, nor in the country, to grace its introduction; nothing to give, or to receive, effect to, or from, the impassioned scene that we witnessed. It may be it was the prophetic cry of the distracted daughter of Priam breaking into the council and alarming its tranquil members with vaticinations of the fall of Troy; but to me it all sounded like the sudden proclamation for an earthquake, when the sun, the earth, the air announced no such prodigy; when all the elements of nature were at rest, and sweet repose pervading the world. There was

a time, and you, and I, and all of us did see it, sir, when such a speech would have found in its delivery every attribute of a just and rigorous propriety! It was at a time when the five-striped [1] banner was waving over the land of the North! when the Hartford convention was in session! when the language in the capitol was: "Peaceably if we can; forcibly if we must!" when the cry, out of doors, was: "The Potomac the boundary; the negro States by themselves; The Alleghanies the boundary; the Western savages by themselves! The Mississippi the boundary, let Missouri be governed by a prefect, or given up as a haunt for wild beasts!" That time was the fit occasion for this speech; and, if it had been delivered then, either in the hall of the House of Representatives, or in the den of the convention, or in the highway among the bearers and followers of the five-striped banner, what effects must it not have produced! What terror and consternation among the plotters of disunion! But here, in this loyal and quiet assemblage, in this season of general tranquillity and universal allegiance, the whole performance has lost its effect for want of affinity, connection, or relation to any subject depending, or sentiment expressed in, the Senate; for want of any application, or reference, to any event impending in the country.

[1] The New England States were then only five in number, Maine being still a part of Massachusetts.

# CHAPTER III

## Nullification

### [Debate on the Force Bill of 1833]

The Tariff Act of 1832: Senator Henry Clay [Ky.] on the Dissatisfaction of the South with It—Threats of Secession: Speech of Thomas Clayton [Ga.] in the House—Ordinance of Nullification of Tariff by South Carolina—Messages and Proclamation of President Andrew Jackson Against the Ordinance—Congress Enacts a "Force Bill" to Collect the Duties—Debate in the Senate on the Bill: in Favor, William H. Wilkins [Pa.], Felix Grundy [Tenn.], Daniel Webster [Mass.]; Opposed, John Tyler [Va.], and John C. Calhoun [S. C.]—Submission of South Carolina.

THREATS of secession arose again in 1832, when a new and more protective tariff act was passed [see Vol. XII, chapter v], and they were uttered with even greater determination because, in adding to the oppression of which the South complained, the act was in direct violation of the promise of Henry Clay [Ky.], the father of the bill, he having offered in the Senate, previously to its introduction, a resolution in favor of "reduction of duties."

In his speech on the tariff act on February 2, 1832, Senator Clay referred to the discontent of the South as follows:

And now, Mr. President, I have to make a few observations on a delicate subject which I approach with all the respect that is due to its serious and grave nature. It is impossible to conceal from our view the facts that there is great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the legislature itself has declared its purpose of resorting to counteracting measures—a suspension of which has only been submitted to for the purpose of allowing Congress time to *retrace* its steps. With respect to this Union, Mr. President, the truth cannot be

too generally proclaimed nor too strongly inculcated that it is necessary to the *whole* and to all the *parts*—necessary to those parts, indeed, in different degrees, but vitally necessary to *each;* and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle which lies at the foundation of all free government is, that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern *it must,* subject only to that terrible appeal. If ever one or several States being a minority can, by menacing a dissolution of the Union, succeed in forming an abandonment of great measures deemed essential to the interests and prosperity of the whole, the Union, from that moment, is practically gone. It may linger on in form and name, but its vital spirit has fled forever! Entertaining these deliberate opinions, I would entreat the patriotic people of South Carolina—the land of Marion, Sumter, and Pickens; of Rutledge, Laurens, the Pinckneys, and Lowndes; of living and present names which I would mention if they were not living or present—to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the Union, to safety, and to those brethren with whom, or with whose ancestors, they, or their ancestors, have won on fields of glory imperishable renown. To advance is to rush on certain and inevitable disgrace and destruction.

### Threats of Secession

Toward the close of the debate on this tariff bill the Southern statesmen lost control of their feelings and proclaimed resistance to the oppressive tariff by their States, even to the point of secession from the Union.

Thomas Clayton, a Representative from Georgia, said:

"The South is attached, warmly attached, to the Union; not, it is true, for its money, for we pay all and get nothing; but it is for those free and liberal principles so dear to the rights of man; those principles that form the best security for his life, liberty, and property, without which neither union nor any-

thing else is worth preserving. In the words of a great man, give us union, but give us liberty first. Do not deprive us of all our blessings under the empty sound of union. Do not steal from us our senses under the bewitching charm of union. Do not, like the Madagascar bat, suck us to death while you are fanning us to sleep by the cooling breezes of your widespread wings of union. We begin to understand all this delusion, and we are awake to the sufferings you have insidiously inflicted upon us by the talisman of union. If you will not withdraw your exactions, if you will not live with us upon the terms of equal rights, I tell you in the language of plain truth, to which, perhaps, you are unaccustomed, we shall certainly part from you, and part, I hope, in peace. Then you may hug to yourselves your darling American system; then you may tax your people to your hearts' content; and then, if you choose, you may take to yourselves other gods; but, as for me and my house, we will serve the Lord of Liberty and all the people of the South shall cry, Amen.

In the ensuing presidential election South Carolina, in protest against the Democratic candidate, Andrew Jackson, and the Whig candidate, Henry Clay, both of whom had declared against nullification, voted for Governor John Floyd, of Virginia, a pronounced nullificationist.

On November 24, 1832 (two weeks after the presidential election), the people of South Carolina in convention assembled issued an ordinance of nullification against the tariff, the substance of which was as follows:

### Ordinance of Nullification

#### By the People of South Carolina

"Whereas the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but, in reality, intended for the protection of domestic manufactures and the giving of bounties to classes and individuals engaged in particular employments at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath

exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the confederacy: And, whereas the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue for objects unauthorized by the Constitution;

"We, therefore, the people of the State of South Carolina, in convention assembled, do declare and ordain that, [these acts] are unauthorized by the Constitution of the United States and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers, or citizens.

"And it is further ordained that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance and to prevent the enforcement and arrest the operation of the said acts within the limits of this State from and after the 1st day of February next.

"And it is further ordained that, in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States; and, if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

"And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this our ordinance and declaration, at every hazard, do further declare that we will not submit to the application of force, on the part of the federal government, to reduce this State to obedience; but that we will consider the passage by Congress

of any act authorizing the employment of a military or naval force against the State of South Carolina, her constitutional authorities or citizens; or any act abolishing or closing the ports of

.00001

THE VALUE OF A UNIT WITH FOUR CYPHERS GOING BEFORE IT

[Calhoun as the Terrier "Nullifies" the Jackson Administration]

*From the collection of the New York Historical Society*

this State, or any act to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this

State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do.

This ordinance, signed by more than a hundred prominent citizens, was officially communicated to the President of the United States.

### Enforcement on the States of Federal Laws

#### Fourth Annual Message of President Jackson

In his annual message of December 4, 1832, President Jackson, stating that the public debt would shortly be extinguished, proposed a reduction of the tariff in order to conciliate the disaffected section of the Union.

Nevertheless he announced that the defiance of Federal laws by the Southern nullificationists would no longer be tolerated.

"It is my painful duty to state that, in one quarter of the United States, opposition to the revenue laws has risen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the general Government, it is hoped they will be able, peaceably, to overcome them by the prudence of their own offices, and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow-citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice of it will be given to Congress, with the suggestion of such views and measures as may be deemed necessary to meet it."

The legislature of South Carolina, which met in December, 1832, elected Senator Robert Y. Hayne governor and, in obedience to his message, resumed sovereign powers which the State had resigned to the Federal Government on its ratification of the Constitution,

empowered the State officers to resist the collection of customs, and put the State in readiness for war. Although the State still retained its Senators and Representatives in the Federal Congress, the acts of its legislature were, in national law, a virtual secession from the Union.

On December 10, 1832, the President of the United States issued the following proclamation:

## Proclamation Against Nullification

### President Jackson

After reciting the ordinance of South Carolina he said:

"Whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the Union—that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equaled in the history of nations: To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

"The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the

Constitution; that the true construction of that instrument permits a State to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law, it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For as, by the theory, there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous, when our social compact, in express terms, declares that the laws of the United States, its Constitution, and treaties made under it, are the supreme law of the land; and, for greater caution, adds 'that the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.' And it may be asserted without fear of refutation that no federative government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected anywhere; for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law so long as the question of its legality is to be decided by the State itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

"If this doctrine had been established at an earlier day the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than

any of the laws now complained of; but fortunately none of those States discovered that they had the right now claimed by South Carolina. The war, into which we were forced to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

"If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

"The defects of the confederation need not be here detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain, if this fatal doctrine prevail. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is 'to form a more perfect Union.' Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States—can it be conceived that an instrument made for the purpose of 'forming a more perfect Union' than that of the confederation could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

"The Constitution declares that the judicial powers of the

United States extend to cases arising under the laws of the United States, and that such laws, the Constitution and treaties shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States: by appeal when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal; makes the State law paramount to the Constitution and laws of the United States; forces judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

"Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

"On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

"This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States who have preserved their whole sovereignty, and, therefore, are subject to no superior; that, because they made the compact, they can break it when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is it enlists State pride and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

"The people of the United States formed the Constitution, acting through the State legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a Government in which the people of all the States collectively are represented. We are one people in the choice of the President and Vice-President. Here the States have no other agency than to direct the mode in which the votes shall be given. Candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

"In the House of Representatives there is this difference: that the people of one State do not, as in the case of President and Vice-President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State, nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents, when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

"The Constitution of the United States, then, forms a Government, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually, not upon the States—they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms; and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

"Fellow-citizens of my native State, let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are

either deceived themselves, or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason on which you stand! First, a diminution of the value of your staple commodity, lowered by over-production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws.

"The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told this opposition might be peaceably, might be constitutionally, made; that you might enjoy all the advantages of the Union, and bear none of its burdens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask, which concealed the hideous features of disunion, should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive; it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow-citizens, that, by the admission of your leaders, the unconstitutionality must be palpable or it will not justify either resistance or nullification! What is the meaning of the word palpable, in the sense in which it is here used? That which is apparent to every one; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confi-

dence and endeavoring to mislead you now. In either case they are unsafe guides in the perilous path which they urge you to tread. Ponder well on this circumstance and you will know how to appreciate the exaggerated language which they address to you. They are not champions of liberty emulating the fame of our revolutionary fathers; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage.

"You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally, passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that, too, on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burdens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

"I adjure you, as you honor their memory; as you love the cause of freedom, to which they dedicated their lives; as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country. Its destroyers you cannot be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability, but its tranquillity will be restored, its prosperity will return, and the stain upon its national character

will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

"Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those, once respected, by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs, on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties, I rely, with equal confidence, on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate, but firm, measures the necessity of a recourse to force; and, if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

"Fellow-citizens: The momentous case is before you. On your undivided support of your Government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessings it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence will transmit them unimpaired and invigorated to our children."

Despite the President's proclamation the legislature of South Carolina continued to organize State troops and collect munitions of war. Accordingly, early in January, the President sent a special message to Congress.

### Special Message on Nullification

#### President Jackson

"I regret to inform you that the several acts of the legislature of South Carolina, which I now lay before you, and which have passed after a knowledge of the desire of the Administration to modify the laws complained of, are too well calculated, both in their positive enactments, and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that State.

"A recent proclamation of the present Governor of South Carolina has openly defied the authority of the Executive of the Union, and general orders from the headquarters of the State announced his determination to accept the services of volunteers. Under these orders the forces referred to are directed to 'hold themselves in readiness to take the field at a moment's warning.'

"Under these circumstances there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they, in their wisdom, may deem fit shall be seasonably provided; and that it may be thereby understood that, while the Government is disposed to remove all just cause of complaint, as far as may be practicable consistently with a proper regard to the interests of the community at large, it is, nevertheless, determined that the supremacy of the laws shall be maintained.

"On the 27th of November the legislature assembled at Columbia; and, on their meeting, the Governor laid before them the ordinance of the convention. In his message, on that occasion, he acquaints them that 'this ordinance has thus become a part of the fundamental law of South Carolina'; that 'the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the general Government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that, within the limits of this State, their will shall be obeyed.' 'The measure of legislation,' he says, 'which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect, within our limits, the duties imposed by the protective tariffs thus nullified. You must look to and provide for all possible contingencies. In your own limits your own courts of judicature

must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.'

"If these measures cannot be defeated and overcome by the power conferred by the Constitution on the Federal Government the Constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union.

"In point of duration, also, those aggressions upon the authority of Congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession their demands can be satisfied only by a repeal of the whole system of revenue laws, and by abstaining from the collection of any duties or imposts whatsoever.

"By these various proceedings, therefore, the State of South Carolina has forced the general Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

"In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same; since a State in which, by a usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside, wants only the form to be independent of the Union.

"The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the general Government is constituted and to the objects which it is expressly formed to attain.

"Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowl-

edged attribute of free institutions, that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty, no less of the public authorities than of the people, in every case to yield a patriotic submission.

"Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great and lasting, defying all other remedy. For causes of minor character the Government could not submit to such a catastrophe without a violation of its most sacred obligations to the other States of the Union who have submitted their destiny to its hands.

"There is, in the present instance, no such cause, either in the degree of misrule or oppression complained of, or in the hopelessness of redress by constitutional means. The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country, through its subsequent steps, to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American Revolution, have continually gone hand in hand; and at all times, and in every instance, no tax, of any kind, has been imposed without their participation; and in some instances, which have been complained of, with the express assent of a part of the representatives of South Carolina in the councils of the Government. Up to the present period no revenue has been raised beyond the necessary wants of the country and the authorized expenditures of the Government. And as soon as the burden of the public debt is removed those charged with the administration have promptly recommended a corresponding reduction of revenue.

"South Carolina still claims to be a component part of the Union, to participate in the national councils, and to share in the public benefits, without contributing to the public burdens; thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

"In this posture of affairs the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union, and subject to its authority; a vindication of the just power of the Constitution; the preservation of the in-

tegrity of the Union; and the execution of the laws by all constitutional means.

"While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity."

In accordance with the recommendations of the President in a special message on January 16, 1833, William H. Wilkins [Pa.], of the Judiciary Committee, reported a bill in the Senate to facilitate the execution of the tariff laws in South Carolina by authorizing, in case of conflict between the Federal officers and citizens, the change of ports of entry and the removal of the customs office from one building to another, and the employment of the land and naval forces of the United States to put down resistance to the collection of duties. This was at once denounced by Southern Senators as a "force" bill, a "bloody" bill, etc. The bill became a law on March 2, 1833.

The chief speakers in the debate in the Senate on this bill were Senator Wilkins, Felix Grundy [Tenn.], and Daniel Webster [Mass.] in its favor, and John Tyler [Va.] and John C. Calhoun [S. C.] in opposition.

### The "Force" Bill

Senate, January-March 2, 1833

Senator Wilkins.—Here nullification is disclaimed, on one hand, unless we abolish our revenue system. We consenting to do this, they remain quiet. But if we go a hair's breadth toward enforcing that system, they present secession. We have secession on one hand, and nullification on the other. The Senator from South Carolina [Calhoun] admitted the other day that no such thing as constitutional secession could exist. Then civil war, disunion, and anarchy must accompany secession. No one denies the right of revolution. That is a natural, indefeasible, inherent right—a right which we have exercised and held out, by our example, to the civilized world. Who denies it? Then we have revolution by force, not constitutional secession. That violence must come by secession is certain. Another law passed by the legislature of South Carolina is entitled a bill to provide

for the safety of the people of South Carolina. It advises them to put on their armor. It puts them in military array; and for what purpose but for the use of force? The provisions of these laws are infinitely worse than those of the feudal system, so far as they apply to the citizens of Carolina. But with its operation on their own citizens he had nothing to do. Resistance was just as inevitable as the arrival of the day on the calendar. In addition to these documents, what did rumor say—rumor, which often falsifies, but sometimes utters truth. If we judge by newspaper and other reports, more men were now ready to take up arms in Carolina than there were during the revolutionary struggle. The whole State was at this moment in arms, and its citizens were ready to be embattled the moment any attempt was made to enforce the revenue laws. The city of Charleston wore the appearance of a military depot.

Senator Tyler.—In the course of the examination I have made into this subject I have been led to analyze certain doctrines which have gone out to the world over the signature of the President. Since I have held a place on this floor I have not courted the smiles of the Executive; but whenever he has done any act in violation of the constitutional rights of the citizen, or trenching on the rights of the Senate, I have been found in opposition to him, and I will now say, I care not how loudly the trumpet may be sounded, nor how low the priests may bend their knees before the object of their idolatry, I will be at the side of the President, crying in his ear, "Remember, Philip, thou art mortal!"

I object to the first section because it confers on the President the power of closing old ports of entry and establishing new ones. It has been rightly said by the gentleman from Kentucky [Mr. Bibb] that this was a prominent cause which led to the Revolution. The Boston port bill, which removed the custom-house from Boston to Salem, first roused the people to resistance. To guard against this very abuse the Constitution had confided to Congress the power to regulate commerce; the establishment of ports of entry formed a material part of this power, and one which required legislative enactment. Now I deny that Congress can deputize its legislative powers. If it may one, it may all; and thus a majority here can, at their pleasure, change the very character of the Government. The President might come to be invested with authority to make all laws which his discretion might dictate. It is vain to tell me (said Mr. T.) that I imagine a case which will never exist. I tell you, sir, that power is cumulative, and that patronage begets

power. The reasoning is unanswerable. If you can part with your power in one instance, you may in another and another. You may confer upon the President the right to declare war; and this very provision may fairly be considered as investing him with authority to make war at his mere will and pleasure on cities, towns, and villages. The prosperity of a city depends on the position of its custom-house and port of entry. Take the case of Norfolk, Richmond, and Fredericksburg, in my own State; who doubts but that to remove the custom-house from Norfolk to Old Point Comfort, of Richmond to the mouth of the Chickahominy, or of Fredericksburg to Tappahannock or Urbanna, would utterly annihilate those towns? I have no tongue to express my sense of the probable injustice of the measure. Sir, it involves the innocent with the guilty. Take the case of Charleston; what if ninety-nine merchants were ready and willing to comply with your revenue laws, and that but one man could be found to resist them; would you run the hazard of destroying the ninety-nine in order to punish one? Trade is a delicate subject to touch; once divert it out of its regular channels and nothing is more difficult than to restore it. This measure may involve the actual property of every man, woman, and child in that city; and this, too, when you have a redundancy of millions in your treasury, and when no interest can sustain injury by awaiting the actual occurrence of a case of resistance to your laws before you would have an opportunity to legislate.

He is further empowered to employ the land and naval forces to put down all "aiders and abettors." How far will this authority extend? Suppose the legislature of South Carolina should happen to be in session: I will not blink the question, suppose the legislature to be in session at the time of any disturbance, passing laws in furtherance of the ordinance which has been adopted by the convention of that State; might they not be considered by the President as aiders and abettors? The President might not, perhaps, march at the head of his troops, with a flourish of drums and trumpets, and with bayonets fixed, into the state-house yard at Columbia; but, if he did so, he would find a precedent for it in English history.

There is no ambiguity about this measure. The prophecy has already gone forth; the President has said that the laws will be obstructed. The President has not only foretold the coming difficulties, but he has also assembled an army. The city of Charleston, if report spoke true, is now a beleagured city; the cannon of Fort Pinckney are pointing at it; and, although they are now quietly sleeping, they are ready to open their

thunders whenever the voice of authority shall give the command. And shall these terrors be let loose because some one man may refuse to pay some small modicum of revenue, which Congress, the day after it came into the treasury, might vote in satisfaction of some unfounded claim? Shall we set so small a value upon the lives of the people? Let us at least wait to see the course of measures. We can never be too tardy in commencing the work of blood.

If the majority shall pass this bill they must do it on their own responsibility; I will have no part in it. When gentlemen recount the blessings of union; when they dwell upon the past, and sketch out, in bright perspective, the future, they awaken in my breast all the pride of an American; my pulse beats responsive to theirs, and I regard union, next to freedom, as the greatest of blessings. Yes, sir, "the Federal Union must be preserved." But how? Will you seek to preserve it by force? Will you appease the angry spirit of discord by an oblation of blood? Suppose that the proud and haughty spirit of South Carolina shall not bend to your high edicts in token of fealty; that you make war upon her, hang her governor, her legislators, and judges, as traitors, and reduce her to the condition of a conquered province—have you preserved the Union? This Union consists of twenty-four States; would you have preserved the Union by striking out one of the States—one of the old thirteen? Gentlemen had boasted of the flag of our country, with its thirteen stars. When the light of one of these stars shall have been extinguished will the flag wave over us, under which our fathers fought? If we are to go on striking out star after star, what will finally remain but a central and a burning sun, blighting and destroying every germ of liberty? The flag which I wish to wave over me is that which floated in triumph at Saratoga and Yorktown. It bore upon it thirteen States, of which South Carolina was one. Sir, there is a great difference between preserving union and preserving government; the Union may be annihilated, yet government preserved; but, under such a government, no man ought to desire to live.

Senator Calhoun introduced the following resolutions:

"*Resolved*, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular

ratification; and that the Union, of which the said compact is the bond, is a union between the States ratifying the same.

"*Resolved,* That the people of the several States, thus united by the constitutional compact, in forming that instrument, and in creating a general government to carry into effect the objects for which they were formed, delegated to that government, for that purpose, certain definite powers, to be exercised jointly, reserving at the same time, each State to itself, the residuary mass of powers, to be exercised by its own separate government; and that whenever the general Government assumes the exercise of powers not delegated by the compact its acts are unauthorized, and are of no effect; and that the same Government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

"*Resolved,* That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and as such are now formed into one nation or people, or that they have ever been so united in any one stage of their political existence; that the people of the several States composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the general Government; that they have parted with the right of punishing treason through their respective State governments; and that they have not the right of judging in the last resort as to the extent of the powers reserved, and, of consequence, of those delegated; are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the general Government, or any of its departments, claiming authority from so erroneous assumptions, must of necessity be unconstitutional, must tend directly and inevitably to subvert the sovereignty of the States, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

To these resolutions Senator Grundy offered a counter set, as follows:

"1. *Resolved*, That by the Constitution of the United States certain powers are delegated to the general Government, and those not delegated, or prohibited to the States, are reserved to the States respectively, or to the people.

"2. *Resolved*, That one of the powers expressly granted by the Constitution to the general Government, and prohibited to the States, is that of laying duties on imports.

"3. *Resolved*, That the power to lay imposts is by the Constitution wholly transferred from the State authorities to the general Government, without any reservation of power or right on the part of the State.

"4. *Resolved*, That the tariff laws of 1828 and 1832 are exercises of the constitutional power possessed by the Congress of the United States, whatever various opinions may exist as to their policy and justice.

"5. *Resolved*, That an attempt on the part of a State to annul an act of Congress passed upon any subject exclusively confided by the Constitution to Congress is an encroachment on the rights of the general Government.

"6. *Resolved*, That attempts to obstruct or prevent the execution of the several acts of Congress imposing duties on imports, whether by ordinances of conventions or legislative enactments, are not warranted by the Constitution, and are dangerous to the political institutions of the country."

Senator Calhoun spoke to his resolutions as follows:

"We have now sufficient experience to ascertain that the tendency to conflict in this action is between Southern and other sections. The latter, having a decided majority, must habitually be possessed of the powers of the Government, both in this and in the other House; and, being governed by that instinctive love of power so natu al to the human breast, they must become the advocates of the power of Government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. In one word, the one section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such he considered the present; a contest in which the weaker section, with its peculiar labor, productions, and situation, has at stake all that can be dear to freemen.

Should they be able to maintain in their full vigor their reserved rights, liberty and prosperity will be their portion; but if they yield, and permit the stronger interest to consolidate within itself all the powers of the Government, then will its fate be more wretched than that of the aborigines whom they have expelled, or of their slaves. In this great struggle between the delegated and reserved powers, so far from repining that his lot and that of those whom he represented is cast on the side of the latter, he rejoiced that such is the fact; for, though we participate in but few of the advantages of the Government, we are compensated, and more than compensated, in not being so much exposed to its corruption. Nor did he repine that the duty, so difficult to be discharged, as the defence of the reserved powers against, apparently, such fearful odds, had been assigned to them. To discharge successfully this high duty requires the highest qualities, moral and intellectual; and, should you perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But, on the other hand, if we prove unworthy of this high destiny, if we yield to the steady encroachment of power, the severest and most debasing calamity and corruption will overspread the land. Every Southern man, true to the interests of his section, and faithful to the duties which Providence has allotted him, will be forever excluded from the honors and emoluments of this Government, which will be reserved for those only who have qualified themselves, by political prostitution, for admission into the Magdalen Asylum."

Senator Webster denied the derivation of nullification and secession from the Constitution. He said:

"The Constitution does not provide for events which must be preceded by its own destruction. Secession, therefore, since it must bring these consequences with it, is revolutionary. And nullification is equally revolutionary. What is revolution? Why, sir, that is revolution which overturns, or controls, or successfully resists the existing public authority; that which arrests the exercise of the supreme power; that which introduces a new paramount authority into the rule of the State. Now, sir, this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the executive magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordi-

nance it declares null and void, within the State, all the revenue laws of the United States. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into effect a revolution will have commenced in South Carolina. She will have thrown off the authority to which her citizens have, heretofore, been subject. She will have declared her own opinions and her own will to be above the laws, and above the power of those who are intrusted with their administration. If she makes good these declarations she is revolutionized. As to her, it is as distinctly a change of the supreme power as the American Revolution of 1776. That revolution did not subvert government in all its forms. It did not subvert local laws and municipal administrations. It only threw off the dominion of a power claiming to be superior, and to have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped or abused, the American colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their own municipal laws still, and the forms of local government. If Carolina now shall effectually resist the laws of Congress—if she shall be her own judge, take her remedy into her own hands, obey the laws of the Union when she pleases, and disobey them when she pleases—she will relieve herself from a paramount power as distinctly as did the American colonies in 1776. In other words, she will achieve, as to herself, a revolution.

"But, sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and to break up the Constitution as to all the other States. It strikes a deadly blow at the vital principle of the whole Union. To allow State resistance to the laws of Congress to be rightful and proper, to admit nullification in some States and yet not expect to see a dismemberment of the entire Government, appears to me the wildest illusion and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half-way down. In the one case, as in the other, the rash adventurer must go to the bottom of the dark abyss below, were it not that that abyss has no discovered bottom.

"Nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligations of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four-and-twenty distinct powers, each professing to be under a general government, and yet each setting its laws at defiance at pleasure. Is not this anarchy, as well as revolution? Sir, the Constitution of the United States was received as a whole, and for the whole country. If it cannot stand altogether it cannot stand in parts; and if the laws cannot be executed everywhere they cannot long be executed anywhere. The gentleman very well knows that all duties and imposts must be uniform throughout the country. He knows that we cannot have one rule or one law for South Carolina, and another for other States. He must see, therefore, and does see—every man sees—that the only alternative is a repeal of the laws throughout the whole Union, or their execution in Carolina as well as elsewhere. And this repeal is demanded because a single State interposes her veto and threatens resistance! The result of the gentleman's opinions, or, rather, the very text of his doctrine, is, that no act of Congress can bind all the States, the constitutionality of which is not admitted by all; or, in other words, that no single State is bound, against its own dissent, by a law of imposts. This was precisely the evil experienced under the old Confederation, and for remedy of which this Constitution was adopted. The articles of confederation, as to purposes of revenue and finance, were nearly a dead letter. The country sought to escape from this condition, at once feeble and disgraceful, by constituting a Government which should have power of itself to lay duties and taxes, and to pay the public debt, and provide for the general welfare; and to lay these duties and taxes in all the States without asking the consent of the State governments. This was the very power on which the new Constitution was to depend for all its ability to do good; and, without it, it can be no Government, now or at any time. Yet, sir, it is precisely against this power, so absolutely indispensable to the very being of the Government, that South Carolina directs her ordinance. She attacks the Government in its authority to raise revenue, the very mainspring of the whole system; and, if she succeed, every movement of that system must inevitably cease. It is of no avail that she declares that she does not resist the law as a revenue law, but as a law for protecting manufactures. It is a revenue law; it is the very law by force of which the revenue is

collected; if it be arrested in any State the revenue ceases in that State; it is, in a word, the sole reliance of the Government for the means of maintaining itself and performing its duties."

Senator Webster condensed into four brief and pointed propositions his opinion of the nature of our Federal Government, as being a union in contradistinction to a league, and as acting upon individuals in contradistinction to States, and as being, in these features, discriminated from the old Confederation.

"1. That the Constitution of the United States is not a league, confederacy, or compact, between the people of the several States in their sovereign capacities; but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

"2. That no State authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

"3. That there is a supreme law, consisting of the Constitution of the United States, acts of Congress passed in pursuance of it, and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, this supreme law, so often as it has occasion to pass acts of legislation; and, in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter.

"4. That an attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the general Government, and on the equal rights of other States; a plain violation of the Constitution, and a proceeding essentially revolutionary in its character and tendency."

Senator Webster concluded thus:

"Sir, the world will scarcely believe that this whole controversy, and all the desperate measures which its support requires, have no other foundation than a difference of opinion upon a provision of the Constitution between a majority of the people of South Carolina, on one side, and a vast majority of the whole people of the United States on the other. It will not credit

the fact, it will not admit the possibility, that, in an enlightened age, in a free, popular republic, under a government where the people govern, as they must always govern, under such systems, by majorities, at a time of unprecedented happiness, without practical oppression, without evils, such as may not only be pretended, but felt and experienced; evils not slight or temporary, but deep, permanent, and intolerable; a single State should rush into conflict with all the rest, attempt to put down the power of the Union by her own laws, and to support those laws by her military power, and thus break up and destroy the world's last hope. And well the world may be incredulous. We, who hear and see it, can ourselves hardly yet believe it. Even after all that had preceded it, this ordinance struck the country with amazement. It was incredible and inconceivable that South Carolina should thus plunge headlong into resistance to the laws, on a matter of opinion, and on a question in which the preponderance of opinion, both of the present day and of all past time, was so overwhelmingly against her. The ordinance declares that Congress has exceeded its just power by laying duties on imports, intended for the protection of manufactures. This is the opinion of South Carolina; and on the strength of that opinion she nullifies the laws. Yet has the rest of the country no right to its opinions also? Is one State to sit sole arbitress? She maintains that those laws are plain, deliberate, and palpable violations of the Constitution; that she has a sovereign right to decide this matter; and that, having so decided, she is authorized to resist their execution by her own sovereign power; and she declares that she will resist it, though such resistance should shatter the Union into atoms."

After the passage of the bill Senator Calhoun said:

"It would be idle to attempt to disguise that the bill will be a practical assertion of one theory of the Constitution against another—the theory advocated by the supporters of the bill, that ours is a consolidated government, in which the States have no rights, and in which, in fact, they bear the same relation to the whole community as the counties do to the States; and against that view of the Constitution which considers it as a compact formed by the States as separate communities, and binding between the States, and not between the individual citizens. No man of candor, who admits that our Constitution is a compact, and was formed and is binding in the manner he had just stated, but must acknowledge that this bill utterly over-

throws and prostrates the Constitution; and that it leaves the Government under the control of the will of an absolute majority.

"If the measure be acquiesced in it will be the termination of that long controversy which began in the convention, and which has been continued under various fortunes until the present day. But it ought not—it will not—it cannot be acquiesced in—unless the South is dead to the sense of her liberty, and blind to those dangers which surround and menace them; she

LOCOFOCO AND NULLIFICATION NUPTIALS

*From the collection of the New York Historical Society*

never will cease resistance until the act is erased from the statute book. To suppose that the entire power of the Union may be placed in the hands of this Government, and that all the various interests in this widely extended country may be safely placed under the will of an unchecked majority, is the extreme of folly and madness. The result would be inevitable that power would be exclusively centered in the dominant interest north of this river, and that all south of it would be held as subjected provinces, to be controlled for the exclusive benefit of the stronger section. Such a state of things could not endure; and the Constitution and liberty of the country would fall in the contest if permitted to continue.

"He trusted that that would not be the case, but that the advocates of liberty everywhere, as well in the North as in the South; that those who maintained the doctrines of '98, and the sovereignties of the State; that the Republican party throughout the country would rally against this attempt to establish, by law, doctrines which must subvert the principles on which free institutions could be maintained."

South Carolina admitted it was beaten by failing to execute its threat of formal secession from the Union in the event of the employment of force by the Federal Government in the collection of duties.

The issue of nullification remained latent until the election of Abraham Lincoln as President, when it arose in the sterner guise of secession. It was occasionally referred to, in the interim, as in the preceding cartoon of the presidential election of 1836.

## CHAPTER IV

### "Popular Sovereignty"

Senator Stephen A. Douglas and President James Buchanan Clash Over the Lecompton Constitution: It Is Defeated—Contest of Senator Douglas and Abraham Lincoln for the Senatorship of Illinois—Lincoln's Speech Accepting the Nomination: "A House Divided"—His Reply to Douglas: "The Law of Equal Freedom"—Joint Debate Between Lincoln and Douglas on "Slavery in the Territories"—Douglas's Freeport Doctrine of "Unfriendly Legislation": It Wins Him the Senatorship and Loses him the Presidency—Debate Between Lincoln and Douglas on "The Moral Climate Line."

THE prediction of President Jackson that the next pretext for secession which the South Carolinians would seize upon would probably be slavery showed active signs of fulfilment in 1858.

Presaging the division of the country was the disruption of the Democratic party, the bond which had thus far held North and South together. The split in the party began with the indorsement by President Buchanan of the Lecompton constitution.

#### The Lecompton Constitution

On his inauguration the President persuaded Robert J. Walker [Miss.], the distinguished ex-Secretary of the Treasury, who had retired from politics, to take the troublesome seat of Governor of Kansas, from which John W. Geary [Ind.] had resigned in disapprobation of the Administration's policy toward the Territory.

Governor Walker dealt fairly with both factions in Kansas and succeeded in reducing materially the disorders.

The Free State men, continually increasing in num-

bers, steadily refused to accept the proslavery legislature. This body held a constitutional convention at Lecompton early in September, 1857. The convention formed a constitution which recognized slavery and submitted it to the people at an election held on December 21. The vote was taken "For the constitution *with* slavery" or "For the constitution *without* slavery," no rejection of the constitution in its entirety being permitted. The Free State men refused to recognize the election as legal and so did not vote, and the constitution with slavery was chosen by an overwhelming majority.

In the meantime an election for a new territorial legislature had been held, and at this, in despite of great frauds committed by the proslavery men, a majority of Free State men was returned and a Free State Delegate to Congress was chosen. This legislature repudiated the constitutional election and ordered another to be held on January 4, 1858, at which votes for or against the Lecompton constitution *in toto* were to be given. The proslavery men refused to take part in this election, since they upheld the validity of the former one, and the vote against the constitution was virtually unanimous.

In his annual message at the opening of Congress (December 8, 1857) President Buchanan supported the first election (which was called but had not yet been held) as a valid one.

During the ensuing session of Congress the validity of the Lecompton constitution was the chief subject of debate in both the Senate and the House.

Senator Stephen A. Douglas [Ill.] seeing that the indorsement by the President of the Lecompton constitution placed the principle of popular sovereignty in jeopardy by limiting its application to the question of slavery alone, placed himself in opposition to the President on this issue—a position which led to general opposition to the Administration by himself and his following throughout its course and finally brought on the complete disruption of the Democratic party.

Owing to the division in the Democratic ranks, on

February 8, 1858, the House by three votes refused to admit Kansas under the Lecompton constitution.

On February 18 James S. Green [Mo.] introduced in the Senate the bill of the Committee on Territories to admit Kansas under the Lecompton constitution. On March 4 he proposed a substitute admitting both Kansas and Minnesota. Minnesota, however, was dropped, and on March 23 the bill was passed by a vote of 33 to 25. On April 1 the House rejected the Senate bill by a majority of 42 votes. At the instigation of Senator John J. Crittenden [Ky.] Representative William Montgomery [Pa.] then moved a substitute providing for a popular vote on the Lecompton constitution. This was adopted by a vote of 120 to 112. On the following day (April 2) the Senate rejected the substitute bill by a vote of 32 to 23. On April 13 the Senate moved the appointment of a committee to confer on the question with a similar committee of the House. James S. Green [Mo.], Robert M. T. Hunter [Va.], and William H. Seward [N. Y.] were appointed on the committee. On the following day the House decided to choose a committee by the casting vote of the Speaker, James L. Orr [S. C.]. He appointed William H. English [Ind.], Alexander H. Stephens [Ga.], and William A. Howard [Mich.].

The votes of Stephens, an Administration Democrat, and Howard, a Republican, offset each other, and that of English, a Northern Democrat who was understood to be in sympathy with Senator Douglas's opposition to the Lecompton constitution, was left to decide. English submitted a plan to the joint committee by which the people of Kansas were to vote simply on a question of whether they would agree to accept Congress's disposition of public lands in the new State, and, if the vote were in the affirmative, the Territory would be admitted under the Lecompton constitution, and if in the negative another constitutional convention would be held (after it had been determined by a census that the Territory contained sufficient population to be admitted) to determine whether the State should be admitted with or without slavery. The joint committee adopted English's plan and presented a bill with its provisions. This

meant that Kansas would be rewarded by land grants as well as immediate Statehood if it accepted the Lecompton constitution, and would be punished if it did not accept it by pecuniary loss as well as by an indefinite postponement of Statehood.

On April 30 the House adopted the English bill by 112 votes to 103, and the Senate by 31 votes to 22, and it was signed by President Buchanan.

### Subsequent History of Kansas

Kansas voted in the negative on the land question. After a census had been taken which showed, what everybody had known, that Kansas had the requisite population to become a State, the Kansas legislature decreed a new constitutional convention. Delegates to this were elected by the people, and the convention was held at Wyandotte in March, 1859. It framed a Free State constitution, which was ratified at a popular election in October, at which Republican State officers and a Republican Congressman were elected. A bill to admit Kansas under the Wyandotte constitution was introduced in the House by Galusha A. Grow [Pa.] on February 15, 1860, and passed by the Republican House on April 11, by a vote of 134 to 73, but negatived by the Democratic Senate by 32 votes to 27. On January 21, 1861, the day when the Southern Senators resigned their seats, William H. Seward [N. Y.] again presented the bill in the Senate and it passed by a vote of 36 to 16. On January 28, on motion of Mr. Grow, the House passed the bill by a vote of 119 to 42, and on approval by President Abraham Lincoln the long-suffering Territory became a member of the Union.

The senatorial term of Stephen A. Douglas [Ill.] was about to expire, and he realized that he could gain no assistance in his reëlection from the Administration, the postmasters, and other national officials who, by their positions, were political leaders of the Democratic party in his State being generally indifferent to his success and, in some cases, actively hostile. Accordingly he prepared himself for "the fight of his life."

The Republicans realized their opportunity to secure a party colleague for Senator Lyman Trumbull, and so nominated the ablest and most popular Republican in their State, Douglas's inveterate opponent, Abraham Lincoln. On June 16, 1858, at the close of the convention, which was held at Springfield, the State capital, Lincoln accepted the nomination in what was thus far the best speech of his career. He carefully prepared it and read it to his friends. William H. Herndon, his law partner, said: "Lincoln, deliver that speech as read and it will make you President." Others objected to the extreme position he had taken in declaring that the nation could not continue half slave and half free. Jesse K. Dubois said that it was "a damned fool speech" which would lose him the election. But Lincoln replied: "The time has come when these sentiments should be uttered, and, if it is decreed that I should go down because of this speech, then let me go down linked to the truth." And, after the defeat which was prophesied by Dubois had come to pass, Lincoln said: "If I had to draw a pen across my record, and erase my whole life from remembrance, and I had a choice allowed me what I might save from the wreck, I should choose that speech and leave it to the world just as it is."

## "A House Divided Against Itself Cannot Stand"

### Abraham Lincoln

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further

spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South.

Have we no tendency to the latter condition?

Let any one who doubts carefully contemplate that now almost complete legal combination—piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted; but also let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidence of design and concert of action among its chief architects, from the beginning.

Here the speaker reviewed the history of the Repeal of the Missouri Compromise and the Dred Scott Decision.

The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes an early occasion to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained!

At length a squabble springs up between the President and the author of the Nebraska bill, on the mere question of fact, whether the Lecompton constitution was or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted down or voted up. I do not understand his declaration that he cares not whether slavery be voted down or voted up to be intended by him other than as an apt definition of the policy he would impress upon the public mind—the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision "squatter sovereignty" squatted out of existence, tumbled down like temporary scaffolding—like the mold at the foundry, served through one blast and fell back into loose sand—helped to carry an election and then was kicked to the winds. His late joint struggle with the Republicans against the Lecompton constitution involves nothing of the original Nebraska doctrine. That struggle was made on a point—the right of a people

to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas's "care not" policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are:

(1) That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro in every possible event of the benefit of that provision of the United States Constitution which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

(2) That, "subject to the Constitution of the United States," neither Congress nor a territorial legislature can exclude slavery from any United States Territory. This point is made in order that individual men may fill up the Territories with slaves without danger of losing them as property, and thus enhance the chances of permanency to the institution through all the future.

(3) That whether the holding a negro in actual slavery in a free State makes him free as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master. This point is made, not to be pressed immediately, but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred Scott in the free State of Illinois every other master may lawfully do with any other one or one thousand slaves in Illinois or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mold public opinion, at least Northern public opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are, and partially, also, whither we are tending.

It will throw additional light on the latter, to go back and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free," "subject only to the Constitution." What the Constitution had to do with it outsiders could not then see. Plainly enough now, it was an exactly fitted niche for the Dred Scott decision to afterward come in and declare the perfect free-

dom of the people to be just no freedom at all. Why was the amendment expressly declaring the right of the people voted down? Plainly enough now, the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the court decision held up? Why even a Senator's individual opinion withheld till after the presidential election? Plainly enough now, the speaking out then would have damaged the "perfectly free" argument upon which the election was to be carried. Why the outgoing President's felicitation on the indorsement? Why the delay of a reargument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him, when it is dreaded that he may give the rider a fall. And why the hasty after-indorsement of the decision by the President and others?

We cannot absolutely know that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen—Stephen, Franklin, Roger, and James, for instance—and we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortises exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few, not omitting even scaffolding—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in—in such a case we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.

It should not be overlooked that, by the Nebraska bill, the people of a State as well as Territory were to be left "perfectly free," "subject only to the Constitution." Why mention a State? They were legislating for Territories, and not for or about States. Certainly the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same? While the opinion of the court, by Chief Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring judges, expressly declare that the Constitution of the United States neither permits Con-

gress nor a territorial legislature to exclude slavery from any United States Territory, they all omit to declare whether or not the same Constitution permits a State, or the people of a State, to exclude it. Possibly, this is a mere omission; but who can be quite sure, if McLean or Curtis had sought to get into the opinion a declaration of unlimited power in the people of a State to exclude slavery from their limits, just as Chase and Mace sought to get such declaration, in behalf of the people of a Territory, into the Nebraska bill—I ask, who can be quite sure that it would not have been voted down in the one case as it had been in the other? The nearest approach to the point of declaring the power of a State over slavery is made by Judge Nelson. He approaches it more than once, using the precise idea, and almost the language, too, of the Nebraska act. On one occasion his exact language is: "Except in cases where the power is restrained by the Constitution of the United States the law of the State is supreme over the subject of slavery within its jurisdiction." In what cases the power of the States is so restrained by the United States Constitution is left an open question, precisely as the same question as to the restraint on the power of the Territories was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, ere long, see filled with another Supreme Court decision declaring that the Constitution of the United States does not permit a State to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or voted up" shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of being alike lawful in all the States. Welcome, or unwelcome, such decision is probably coming, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown. We shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality instead that the Supreme Court has made Illinois a slave State. To meet and overthrow the power of that dynasty is the work now before all who would prevent that consummation. That is what we have to do. How can we best do it?

There are those who denounce us openly to their own friends, and yet whisper us softly that Senator Douglas is the aptest instrument there is with which to effect that object. They wish us to infer all this from the fact that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us on a single point upon which he and we have

never differed. They remind us that he is a great man, and that the largest of us are very small ones. Let this be granted. But "a living dog is better than a dead lion." Judge Douglas, if not a dead lion for this work, is at least a caged and toothless one. How can he oppose the advances of slavery? He doesn't care anything about it. His avowed mission is impressing the "public heart" to care nothing about it. A leading Douglas Democratic newspaper thinks Douglas's superior talent will be needed to resist the revival of the African slave-trade. Does Douglas believe an effort to revive that trade is approaching? He has not said so. Does he really think so? But if it is, how can he resist it? For years he has labored to prove it a sacred right of white men to take negro slaves into the new Territories. Can he possibly show that it is less a sacred right to buy them where they can be bought cheapest? And unquestionably they can be bought cheaper in Africa than in Virginia. He has done all in his power to reduce the whole question of slavery to one of a mere right of property; and, as such, how can he oppose the foreign slave-trade? How can he refuse that trade in that "property" shall be "perfectly free," unless he does it as a protection to the home production? And, as the home producers will probably not ask the protection, he will be wholly without a ground of opposition.

Senator Douglas holds, we know, that a man may rightfully be wiser to-day than he was yesterday—that he may rightfully change when he finds himself wrong. But can we, for that reason, run ahead, and infer that he will make any particular change of which he, himself, has given no intimation? Can we safely base our action upon any such vague inference? Now, as ever, I wish not to misrepresent Judge Douglas's position, question his motives, or do aught that can be personally offensive to him. Whenever, if ever, he and we can come together on principle so that our great cause may have assistance from his great ability, I hope to have interposed no adventitious obstacle. But, clearly, he is not now with us—he does not pretend to be—he does not promise ever to be.

Our cause, then, must be intrusted to, and conducted by, its own undoubted friends—those whose hands are free, whose hearts are in the work, who do care for the result. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a common danger, with every external circumstance against us. Of strange, discordant, and even hostile elements, we gathered from the four winds, and formed and fought the

battle through, under the constant hot fire of a disciplined, proud, and pampered enemy. Did we brave all then to falter now?—now, when that same enemy is wavering, dissevered, and belligerent? The result is not doubtful. We shall not fail—if we stand firm, we shall not fail. Wise counsels may accelerate or mistakes delay it, but sooner or later the victory is sure to come.

On July 9 Senator Douglas spoke at a public reception given to him in Chicago. On the following day and in the same city Lincoln replied to him.

### The Law of Equal Freedom

Abraham Lincoln

Judge Douglas said yesterday evening:

> I have made up my mind to appeal to the people against the combination that has been made against me. The Republican leaders have formed an alliance, an unholy and unnatural alliance, with a portion of unscrupulous federal office-holders. I intend to fight that allied army wherever I meet them. I know they deny the alliance, but yet these men who are trying to divide the Democratic party for the purpose of electing a Republican Senator in my place are just so much the agents and tools of the supporters of Mr. Lincoln. Hence I shall deal with this allied army just as the Russians dealt with the allies at Sebastopol—that is, the Russians did not stop to inquire, when they fired a broadside, whether it hit an Englishman, a Frenchman, or a Turk. Nor will I stop to inquire, nor shall I hesitate, whether my blows shall hit these Republican leaders or their allies, who are holding the Federal offices and yet acting in concert with them.

Well, now, gentlemen, is not that very alarming? Just to think of it! right at the outset of his canvass, I, a poor, kind, amiable, intelligent gentleman—I am to be slain in this way. Why, my friend the judge is not only, as it turns out, not a dead lion, nor even a living one—he is the rugged Russian bear.

But if they will have it that the Administration men and we are allied, and we stand in the attitude of English, French, and Turk, he occupying the position of the Russian—in that case I beg he will indulge us while we barely suggest to him that these allies took Sebastopol.

In this speech Lincoln discussed the Douglas theory of popular sovereignty, which he declared had been exploded by the Dred Scott decision.

He was agreed with Judge Douglas in opposition

to the Lecompton constitution—all Republicans were—in fact, there were five Republicans against it for every Democrat. Why should Douglas claim the chief credit for its defeat?

Judge Douglas made two points upon my recent speech at Springfield. He says they are to be the issues of this campaign. The first one of these points he bases upon the language in a speech which I delivered at Springfield.

Here the speaker quoted the paragraph concerning the "house divided against itself." See page 109.

In this paragraph Judge Douglas thinks he discovers great political heresy. I want your attention particularly to what he has inferred from it. He says I am in favor of making all the States of this Union uniform in all their internal regulations; that in all their domestic concerns I am in favor of making them entirely uniform. He says that I am in favor of making war by the North upon the South for the extinction of slavery; that I am also in favor of inviting (as he expresses it) the South to a war upon the North, for the purpose of nationalizing slavery. Now, it is singular enough, if you will carefully read that passage over, that I did not say that I was in favor of anything in it. I only said what I expected would take place. I made a prediction only—it may have been a foolish one, perhaps. I did not even say that I desired that slavery should be put in course of ultimate extinction. I do say so now, however, so there need be no longer any difficulty about that.

I am not, in the first place, unaware that this Government has endured eighty-two years half slave and half free. I believe it has endured because, during all that time, until the introduction of the Nebraska bill, the public mind did rest all the time in the belief that slavery was in course of ultimate extinction. I have always hated slavery, I think, as much as any Abolitionist —I have been an old-line Whig—but I have always been quiet about it until this new era of the introduction of the Nebraska bill began. I always believed that everybody was against it, and that it was in course of ultimate extinction. The great mass of the nation have rested in the belief that slavery was in course of ultimate extinction. They had reason so to believe.

Here Lincoln discussed the opinions of the Fathers of the country on the question.

I have said a hundred times, and I have now no inclination to take it back, that I believe there is no right, and ought to be no inclination, in the people of the free States to enter into the slave States and interfere with the question of slavery at all.

So much, then, for the inference that Judge Douglas draws, that I am in favor of setting the sections at war with one another.

Now in relation to his inference that I am in favor of a general consolidation of all the local institutions of the various States. I have said very many times in Judge Douglas's hearing that no man believed more than I in the principle of self-government; that it lies at the bottom of all my ideas of just government from beginning to end. I have denied that his use of that term applies properly. But for the thing itself I deny that any man has ever gone ahead of me in his devotion to the principle, whatever he may have done in efficiency in advocating it. I believe each individual is naturally entitled to do as he pleases with himself and the fruit of his labor, so far as it in no wise interferes with any other man's rights; that each community, as a State, has a right to do exactly as it pleases with all the concerns within that State that interfere with the right of no other State; and that the general Government, upon principle, has no right to interfere with anything other than that general class of things that does concern the whole. I have said that at all times. I have said as illustrations that I do not believe in the right of Illinois to interfere with the cranberry laws of Indiana, the oyster laws of Virginia, or the liquor laws of Maine.

How is it, then, that Judge Douglas infers, because I hope to see slavery put where the public mind shall rest in the belief that it is in the course of ultimate extinction, that I am in favor of Illinois going over and interfering with the cranberry laws of Indiana? What can authorize him to draw any such inference? I suppose there might be one thing that at least enabled him to draw such an inference that would not be true with me or many others; that is, because he looks upon all this matter of slavery as an exceedingly little thing—this matter of keeping one-sixth of the population of the whole nation in a state of oppression and tyranny unequaled in the world. He looks upon it as being an exceedingly little thing, only equal to the question of the cranberry laws of Indiana—as something having no moral question in it—as something on a par with the question of whether a man shall pasture his land with cattle or plant it with tobacco —so little and so small a thing that he concludes, if I could de-

sire that anything should be done to bring about the ultimate extinction of that little thing, I must be in favor of bringing about an amalgamation of all the other little things in the Union. Now, it so happens—and there, I presume, is the foundation of this mistake—that the judge thinks thus; and it so happens that there is a vast portion of the American people that do not look upon that matter as being this very little thing. They look upon it as a vast moral evil; they can prove it as such by the writings of those who gave us the blessings of liberty which we enjoy, and that they so looked upon it, and not as an evil merely confining itself to the States where it is situated, and while we agree that, by the Constitution we assented to, in the States where it exists we have no right to interfere with it, because it is in the Constitution, we are by both duty and inclination to stick by that Constitution in all its letter and spirit from beginning to end.

Another of the issues Judge Douglas says that is to be made with me is upon his devotion to the Dred Scott decision, and my opposition to it.

I have expressed heretofore, and I now repeat, my opposition to the Dred Scott decision; but I should be allowed to state the nature of that opposition, and I ask your indulgence while I do so. What is fairly implied by the term Judge Douglas has used, "resistance to the decision"? I do not resist it. If I wanted to take Dred Scott from his master I would be interfering with property, and that terrible difficulty that Judge Douglas speaks of, of interfering with property, would arise. But I am doing no such thing as that; all that I am doing is refusing to obey it as a political rule. If I were in Congress, and a vote should come up on a question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision I would vote that it should.

That is what I would do. Judge Douglas said last night that before the decision he might advance his opinion, and it might be contrary to the decision when it was made; but after it was made he would abide by it until it was reversed. Just so! We let this property abide by the decision, but we will try to reverse that decision. We will try to put it where Judge Douglas would not object, for he says he will obey it until it is reversed. Somebody has to reverse that decision, since it is made; and we mean to reverse it, and we mean to do it peaceably.

We were often, in the course of Judge Douglas's speech last night, reminded that this Government was made for white men. Well, that is putting it into a shape in which no one wants to

deny it; but the judge then goes into his passion for drawing inferences that are not warranted. I protest now and forever against that counterfeit logic which presumes that because I do not want a negro woman for a slave, I do necessarily want her for a wife. My understanding is that I need not have her for either; but, as God made us separate, we can leave one another alone, and do one another much good thereby. There are white men enough to marry all the white women, and enough black men to marry all the black women, and in God's name let them be so married. The judge regales us with the terrible enormities that take place by the mixture of races; that the inferior race bears the superior down. Why, judge, if we do not let them get together in the Territories, they won't mix there. [*A voice: "Three cheers for Lincoln!" The cheers were given with a hearty good will.*] I should say at least that that is a self-evident truth.

Now, sirs, for the purpose of squaring things with this idea of "don't care if slavery is voted up or voted down," for sustaining the Dred Scott decision, for holding that the Declaration of Independence did not mean anything at all, we have Judge Douglas giving his exposition of what the Declaration of Independence means, and we have him saying that the people of America are equal to the people of England. According to his construction, you Germans are not connected with it. Now I ask you, in all soberness, if all these things, if indulged in, if ratified, if confirmed and indorsed, if taught to our children, and repeated to them, do not tend to rub out the sentiment of liberty in the country, and to transform this Government into a government of some other form? Those arguments that are made, that the inferior race are to be treated with as much allowance as they are capable of enjoying; that as much is to be done for them as their condition will allow—what are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. You will find that all the arguments in favor of kingcraft were of this class; they always bestrode the necks of the people—not that they wanted to do it, but because the people were better off for being ridden. That is their argument, and this argument of the judge is the same old serpent that says, You work and I eat, you toil and I will enjoy the fruits of it. Turn it whatever way you will—whether it come from the mouth of a king, an excuse for enslaving the people of his country, or from the mouth of men of one race as a reason for enslaving the men of another race, it is all the same old serpent, and I hold if that

course of argumentation that is made for the purpose of convincing the public mind that we should not care about this should be granted, it does not stop with the negro. I should like to know—taking this old Declaration of Independence, which declares that all men are equal upon principle, and making exceptions to it—where will it stop? If one man says it does not mean a negro, why not another say it does not mean some other man? If that Declaration is not the truth, let us get the statute-book in which we find it, and tear it out! Who is so bold as to do it? If it is not true, let us tear it out [*cries of "No, no"*]. Let us stick to it, then; let us stand firmly by it, then.

It may be argued that there are certain conditions that make necessities and impose them upon us, and to the extent that a necessity is imposed upon a man he must submit to it. I think that was the condition in which we found ourselves when we established this Government. We had slaves among us; we could not get our Constitution unless we permitted them to remain in slavery; we could not secure the good we did secure if we grasped for more; but, having by necessity submitted to that much, it does not destroy the principle that is the charter of our liberties. Let that charter stand as our standard.

It is said in one of the admonitions of our Lord, "Be ye perfect even as your Father which is in heaven is perfect." The Saviour, I suppose, did not expect that any human creature could be perfect as the Father in heaven; but he set up this standard, and he who did most toward reaching it attained the highest degree of moral perfection. So I say in relation to the principle that all men are created equal, let it be as nearly reached as we can. If we cannot give freedom to every creature let us do nothing that will impose slavery upon any other creature. Let us then turn this Government back into the channel in which the framers of the Constitution originally placed it. If we do not do so we are tending in the contrary direction that our friend Judge Douglas proposes—not intentionally—working in the traces that tend to make this one universal slave nation. He is one that runs in that direction, and as such I resist him.

## Lincoln-Douglas Debates

On July 24 Mr. Lincoln challenged Senator Douglas to a debate before the same audiences. Senator Douglas accepted the challenge and stipulated that the de-

bates be held in central towns in each congressional district in the State. To this arrangement Lincoln agreed.

The national importance of this contest is indicated by the fact that newspapers from as far away from the arena as New York sent special representatives to report the debates. One of these, Chester P. Dewey, of the New York *Evening Post,* thus described the contestants as they appeared at the first debate at Ottawa, August 21:

### "Little Dug" and "Long Abe"

Two men presenting wider contrasts could hardly be found, as the representatives of the two great parties. Everybody knows Douglas, a short, thick-set, burly man with large, round head, heavy hair, dark complexion, and fierce bulldog look. Strong in his own real power and skilled by a thousand conflicts in all the strategy of a hand-to-hand or a general fight; of towering ambition, restless in his determined desire for notoriety, proud, defiant, arrogant, audacious, unscrupulous, "Little Dug" ascended the platform and looked out impudently and carelessly on the immense throng which surged and struggled before him. A native of Vermont, reared on a soil where no slave stood, he came to Illinois a teacher, and from one post to another had risen to his present eminence. Forgetful of the ancestral hatred of slavery to which he was the heir, he had come . . . to owe much of his fame to continued subservience to Southern influence.

The other—Lincoln—is a native of Kentucky, of poor white parentage, and, from his cradle, has felt the blighting influence of the dark and cruel shadow which rendered labor dishonorable and kept the poor in poverty, while it advanced the rich in their possessions. . . . In every relation of life, socially and to the State, Mr. Lincoln has been always the pure and honest man. In physique he is the opposite to Douglas. Built on the Kentucky type, he is very tall, slender, and angular, awkward even in gait and attitude. His face is sharp, large-featured, and unprepossessing. His eyes are deep-set under heavy brows, his forehead is high and retreating, and his hair is dark and heavy. In repose I must confess that "Long Abe's" appearance is *not* comely. But stir him up and the fire of his genius plays on every feature. His eye glows and sparkles; every lineament,

now so ill-formed, grows brilliant and expressive, and you have before you a man of rare power and of strong magnetic influence. He *takes* the people every time, and there is no getting away from his sturdy good sense, his unaffected sincerity, and

"HONEST OLD ABE" ON THE STUMP

*From the collection of the New York Historical Society*

the unceasing play of his good humor, which accompanies his close logic and smoothes the way to conviction. Listening to him on Saturday, calmly and unprejudiced, I was convinced that he had no superior as a stump-speaker. He is clear, concise, and logical, his language is eloquent and at perfect command. He is altogether a more fluent speaker than Douglas, and

in all the arts of debate fully his equal. The Republicans of Illinois have chosen a champion worthy of their heartiest support, and fully equipped for the conflict with the great Squatter Sovereign.

## Slavery in the Territories

### Debates Between Abraham Lincoln and Senator Douglas

*First Debate—At Ottawa, August 21, 1858*

Senator Douglas opened with the charge that Lincoln, a Whig, and Trumbull, a Democrat, had entered into a conspiracy in 1854 to break up both these parties and form a new Abolition party out of the fragments under the name and disguise of Republican. Their personal reward was to be the representation of their State in the Senate.

In pursuance of the arrangement, the parties met at Springfield in October, 1854, and proclaimed a platform for their new Republican party, which was thus to be constructed. Here is the most important and material resolution of this Abolition platform:

*Resolved,* That the times imperatively demand the reorganization of parties, and, repudiating all previous party attachments, names, and predilections, we unite ourselves together in defence of the liberty and Constitution of the country, and will hereafter coöperate as the Republican party, pledged to the accomplishment of the following purposes: To bring the administration of the government back to the control of first principles; to restore Nebraska and Kansas to the position of free Territories; that, as the Constitution of the United States vests in the States, and not in Congress, the power to legislate for the extradition of fugitives from labor, to repeal and entirely abrogate the Fugitive Slave Law; to restrict slavery to those States in which it exists; to prohibit the admission of any more slave States into the Union; to abolish slavery in the District of Columbia; to exclude slavery from all the Territories over which the general Government has exclusive jurisdiction; and to resist the acquirement of any more Territories unless the practice of slavery therein forever shall have been prohibited.

[The reading of this resolution was punctuated with applause from a part of the audience.]

Now, gentlemen, your Black Republicans have cheered every one of those propositions, and yet I venture to say that you cannot get Mr. Lincoln to come out and say that he is now in favor

of each one of them. That these propositions, one and all, constitute the platform of the Black Republican party of this day, I have no doubt; and when you were not aware for what purpose I was reading them, your Black Republicans cheered them as good Black Republican doctrines. My object in reading these resolutions was to put the question to Abraham Lincoln this day whether he now stands and will stand by each article in that creed and carry it out. I desire to know whether Mr. Lincoln to-day stands as he did in 1854, in favor of the unconditional repeal of the Fugitive Slave Law. I desire him to answer whether he stands pledged to-day, as he did in 1854, against the admission of any more slave States into the Union, even if the people want them. I want to know whether he stands pledged against the admission of a new State into the Union with such a constitution as the people of that State may see fit to make. I want to know whether he stands to-day pledged to the abolition of slavery in the District of Columbia. I desire him to answer whether he stands pledged to the prohibition of the slave trade between the different States. I desire to know whether he stands pledged to prohibit slavery in all the Territories of the United States, north as well as south of the Missouri compromise line. I desire him to answer whether he is opposed to the acquisition of any more territory unless slavery is prohibited therein. I ask Abraham Lincoln to answer these questions, in order that, when I trot him down to lower Egypt,[1] I may put the same questions to him. My principles are the same everywhere. I can proclaim them alike in the North, the South, the East, and the West. My principles will apply wherever the Constitution prevails and the American flag waves. I desire to know whether Mr. Lincoln's principles will bear transplanting from Ottawa to Jonesboro?

Here Senator Douglas disclaimed any intention of expressing personal disrespect for his opponent. They had known each other from the days when Douglas was a struggling school teacher and Lincoln a "grocery-keeper." He said incidentally that Lincoln "could ruin more liquor than all the boys of the town together."

Mr. Lincoln served with me in the legislature in 1836, when we both retired, and he subsided, or became submerged, and he was lost sight of as a public man for some years. In 1846,

[1] The southern end of Illinois, which had been settled from the South, and was therefore pro-slavery in sentiment.

when Wilmot introduced his celebrated proviso and the Abolition tornado swept over the country, Lincoln again turned up as a member of Congress from the Sangamon district. I was then in the Senate of the United States, and was glad to welcome my old friend and companion. While in Congress he distinguished himself by his opposition to the Mexican war, taking the side of the common enemy against his own country; and, when he returned home he found that the indignation of the people followed him everywhere, and he was again submerged or obliged to retire into private life, forgotten by his former friends. He came up again in 1854, just in time to make this Abolition or Black Republican platform, in company with Giddings, Lovejoy, Chase, and Fred Douglass, for the Republican party to stand upon.

Having formed this new party for the benefit of deserters from Whiggery and deserters from Democracy, and, having laid down the Abolition platform which I have read, Lincoln now takes his stand and proclaims his Abolition doctrines.

Here the speaker read from Lincoln's speech at Springfield, on June 16, the paragraph upon "the house divided against itself." At the close there were cheers and cries of "Good, good!" from the audience.

I am delighted to hear you Black Republicans say "good." I have no doubt that doctrine expresses your sentiments, and I will prove to you now, if you listen to me, that it is revolutionary and destructive of the existence of this Government. Why can it not exist divided into free and slave States? Why can it not exist on the same principles on which our fathers made it? They knew when they framed the Constitution that, in a country as wide and broad as this, with such a variety of climate, production, and interest, the people necessarily required different laws and institutions in different localities. They knew that the laws and regulations which would suit the granite hills of New Hampshire would be unsuited to the rice plantations of South Carolina, and they therefore provided that each State should retain its own legislature and its own sovereignty, with the full and complete power to do as it pleased within its own limits, in all that was local and not national. One of the reserved rights of the States was the right to regulate the relations between master and servant, on the slavery question. At the time the Constitution was framed there were thirteen States in the Union, twelve of which were slaveholding States and one

a free State. Suppose this doctrine of uniformity preached by Mr. Lincoln, that the States should all be free or all be slave, had prevailed, what would have been the result? Of course, the twelve slaveholding States would have overruled the one free State and slavery would have been fastened by a constitutional provision on every inch of the American republic instead of being left, as our fathers wisely left it, to each State to decide for itself. Here I assert that uniformity in the local laws and institutions of the different States is neither possible nor desirable. If uniformity had been adopted when the Government was established it must inevitably have been the uniformity of slavery everywhere, or else the uniformity of negro citizenship and negro equality everywhere.

We are told by Lincoln that he is utterly opposed to the Dred Scott decision and will not submit to it, for the reason that, he says, it deprives the negro of the rights and privileges of citizenship. That is the first and main reason which he assigns for his warfare on the Supreme Court of the United States and its decision. I ask you, are you in favor of conferring upon the negro the rights and privileges of citizenship? Do you desire to strike out of our State constitutions that clause which keeps slaves and free negroes out of the State and allow the free negroes to flow in and cover your prairies with black settlements? Do you desire to turn this beautiful State into a free negro colony, in order that, when Missouri abolishes slavery she can send one hundred thousand emancipated slaves into Illinois to become citizens and voters on an equality with yourselves? If you desire negro citizenship, if you desire to allow them to come into the State and settle with the white man, if you desire them to vote on an equality with yourselves and to make them eligible to office, to serve on juries, and to adjudge your rights, then support Mr. Lincoln and the Black Republican party who are in favor of the citizenship of the negro. For one, I am opposed to negro citizenship in any and every form. I believe this government was made on the white basis. I believe it was made by white men for the benefit of white men and their posterity forever, and I am in favor of confining citizenship to white men, men of European birth and descent, instead of conferring it upon negroes, Indians, and other inferior races.

Mr. Lincoln, following the example and lead of all the little Abolition orators who go around and lecture in the basements of schools and churches, reads from the Declaration of Independence that all men were created equal, and then asks how can

you deprive a negro of that equality which God and the Declaration of Independence award to him? He and they maintain that negro equality is guaranteed by the laws of God and that it is asserted in the Declaration of Independence. If they think so, of course they have a right to say so, and so vote. I do not question Mr. Lincoln's conscientious belief that the negro was made his equal, and, hence, is his brother; but, for my own part, I do not regard the negro as my equal, and positively deny that he is my brother or any kin to me whatever. Lincoln holds that the negro was born his equal and yours and that he was endowed with equality by the Almighty, and that no human law can deprive him of these rights which were guaranteed to him by the Supreme Ruler of the universe. Now, I do not believe that the Almighty ever intended the negro to be the equal of the white man. If he did He has been a long time demonstrating the fact. For thousands of years the negro has been a race upon the earth and during all that time, in all latitudes and climates, wherever he has wandered or been taken, he has been inferior to the race which he has there met. He belongs to an inferior race, and must always occupy an inferior position. I do not hold that because the negro is our inferior therefore he ought to be a slave. By no means can such a conclusion be drawn from what I have said. On the contrary, I hold that humanity and Christianity both require that the negro shall have and enjoy every right, every privilege, and every immunity consistent with the safety of the society in which he lives. On that point, I presume, there can be no diversity of opinion.

The question then arises: what rights and privileges are consistent with the public good? This is a question which each State and each Territory must decide for itself—Illinois has decided it for herself. We have provided that the negro shall not be a slave, and we have also provided that he shall not be a citizen, but protect him in his civil rights, in his life, his person, and his property, only depriving him of all political rights whatsoever, and refusing to put him on an equality with the white man. That policy of Illinois is satisfactory to the Democratic party and to me, and, if it were to the Republicans, there would then be no question upon the subject; but the Republicans say that he ought to be made a citizen, and when he becomes a citizen he becomes your equal, with all your rights and privileges. They assert the Dred Scott decision to be monstrous because it denies that the negro is or can be a citizen under the Constitution.

Now, I hold that each and every State of this Union is a sovereign power, with the right to do as it pleases upon this question of slavery and upon all its domestic institutions. Slavery is not the only question which comes up in this controversy. There is a far more important one to you, and that is, what shall be done with the free negro? We have settled the slavery question as far as we are concerned; we have prohibited it in Illinois forever, and, in doing so, I think we have done wisely, and there is no man in the State who would be more strenuous in his opposition to the introduction of slavery than I would. We must leave each and every other State to decide for itself the same question. In relation to the policy to be pursued toward the free negroes, we have said that they shall not vote; while Maine, on the other hand, has said that they shall vote. Maine is a sovereign State, and has the power to regulate the qualification of voters within her limits. I would never consent to confer the right of voting and of citizenship upon a negro, but still I am not going to quarrel with Maine for differing from me in opinion. Let Maine take care of her own negroes and fix the qualifications of her own voters to suit herself without interfering with Illinois, and Illinois will not interfere with Maine.

Now, my friends, if we will only act conscientiously and rigidly upon this great principle of popular sovereignty which guarantees to each State and Territory the right to do as it pleases on all things, local and domestic, instead of Congress interfering, we will continue at peace one with another. Why should Illinois be at war with Missouri, or Kentucky with Ohio, or Virginia with New York, merely because their institutions differ. Our fathers intended that our institutions should differ. They knew that the North and the South, having different climates, productions, and interests, required different institutions. This doctrine of Mr. Lincoln of uniformity among the institutions of the different States is a new doctrine, never dreamed of by Washington, Madison, or the framers of this Government. Mr. Lincoln and the Republican party set themselves up as wiser than these men who made this Government which has flourished for seventy years under the principle of popular sovereignty, recognizing the right of each State to do as it pleased. Under that principle we have grown from a nation of three or four millions to a nation of about thirty millions of people; we have crossed the Allegheny Mountains and filled up the whole Northwest, turning the prairie into a garden, and building up churches and schools, thus

spreading civilization and Christianity where before there was nothing but savage barbarism. Under that principle we have become, from a feeble nation, the most powerful on the face of the earth, and, if we only adhere to that principle, we can go forward increasing in territory, in power, in strength, and in glory until the Republic of America shall be the north star that shall guide the friends of freedom throughout the civilized world. And why can we not adhere to the great principle of self-government upon which our institutions were originally based? I believe that this new doctrine preached by Mr. Lincoln and his party will dissolve the Union if it succeeds. They are trying to array all the Northern States in one body against the South, to excite a sectional war between the free States and the slave States, in order that the one or the other may be driven to the wall.

Mr. Lincoln.—When a man hears himself somewhat misrepresented it provokes him—at least, I find it so with myself; but when misrepresentation becomes very gross and palpable, it is more apt to amuse him. The first thing I see fit to notice is the fact that Judge Douglas alleges that Judge Trumbull and myself made an arrangement in 1854 by which I was to have the place of General Shields in the United States Senate, and Judge Trumbull was to have the place of Judge Douglas. Now, all I have to say upon that subject is that I think no man—not even Judge Douglas—can prove it, because it is not true. I have no doubt he is "conscientious" in saying it.

As to those resolutions that he took such a length of time to read as being the platform of the Republican party in 1854, I say I never had anything to do with them, and I think Trumbull never had. Judge Douglas cannot show that either of us ever did have anything to do with them. It is true the convention did place my name, though without authority, upon the committee, and afterward wrote me to attend the meeting of the committee, but I refused to do so, and I never had anything to do with that organization.

The speaker here read a portion of his speech at Peoria, in 1854, in which he had said:

"When our brethren of the South remind us of their constitutional rights, I acknowledge them, not grudgingly, but fully and fairly; and I would give them any legislation for the reclaiming of their fugitives which should not, in its stringency, be more likely to carry a free man into slavery than our ordinary criminal laws are to hang an innocent one."

Judge Douglas has got my answer on the Fugitive Slave Law.

Anything that argues me into the Judge's idea of perfect social and political equality with the negro is but a specious and fantastic arrangement of words, by which a man can prove a horse-chestnut to be a chestnut horse. I will say here, while upon this subject, that I have no purpose, either directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality; and, inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. I have never said anything to the contrary, but I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence—the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But, in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.

Now I pass on to consider one or two more of these little follies. The judge is woefully at fault when he charges me at the time when I was in Congress with having opposed our soldiers who were fighting in the Mexican War. You remember I was an Old Whig, and whenever the Democratic party tried to get me to vote that the war had been righteously begun by the President, I would not do it. But whenever they asked for any money, or land-warrants, or anything to pay the soldiers there, during all that time, I gave the same vote that Judge Douglas did. You can think as you please as to whether that was consistent. Such is the truth; and the judge has the right to make all he can out of it. But, when he, by a general charge, conveys the idea that I withheld supplies from the soldiers who were fighting in the Mexican War, or did anything else to hinder the soldiers, he is, to say the least, grossly and altogether mistaken, as a consultation of the records will prove to him.

The judge has read from my speech in Springfield in which I say that "a house divided against itself cannot stand."

When he undertakes to say that, because I think this nation, so far as the question of slavery is concerned, will all become one thing or all the other, I am in favor of bringing about a dead uniformity in the various States in all their institutions, he argues erroneously. The great variety of the local institutions in the States, springing from differences in the soil, differences in the face of the country, and in the climate, are bonds of union. They do not make "a house divided against itself," but they make a house united. If they produce in one section of the country what is called for by the wants of another section, and this other section can supply the wants of the first, they are not matters of discord but bonds of union, true bonds of union. But can this question of slavery be considered as among these varieties in the institutions of the country? I leave it to you to say whether, in the history of our Government, this institution of slavery has not always failed to be a bond of union, and, on the contrary, been an apple of discord and an element of division in the house. I ask you to consider whether, so long as the moral constitution of men's minds shall continue to be the same, after this generation and assemblage shall sink into the grave, and another race shall arise with the same moral and intellectual development we have—whether, if that institution is standing in the same irritating position in which it now is, it will not continue an element of division?

When the judge reminds me that the institution of slavery has existed for eighty years in some States, and yet it does not exist in some others, I agree to the fact, and I account for it by looking at the position in which our fathers originally placed it—restricting it from the new Territories where it had not gone, and legislating to cut off its source by the abrogation of the slave trade, thus putting the seal of legislation against its spread. The public mind did rest in the belief that it was in the course of ultimate extinction. But lately, I think—and in this I charge nothing on the judge's motives—lately, I think, that he, and those acting with him, have placed that institution on a new basis, which looks to the perpetuity and nationalization of slavery. And while it is placed upon this new basis, I say, and I have said, that I believe we shall not have peace upon the question until the opponents of slavery arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or, on the other hand, that its advocates will push it forward until it shall be-

come alike lawful in all the States, old as well as new, North as well as South. Now, I believe if we could arrest the spread, and place it where Washington and Jefferson and Madison placed it, it would be in the course of ultimate extinction and the public mind would, as for eighty years past, believe that it was in the course of ultimate extinction. The crisis would be past and the institution might be let alone for a hundred years—if it should live so long—in the States where it exists, yet it would be going out of existence in the way best for both the black and the white races. [*A voice: "Then do you repudiate popular sovereignty?"*] Well, then, let us talk about popular sovereignty! What is popular sovereignty? Is it the right of the people to have slavery or not have it, as they see fit, in the Territories? I will state—and I have an able man to watch me—my understanding is that popular sovereignty, as now applied to the question of slavery, does allow the people of a Territory to have slavery if they want to, but does not allow them not to have it if they do not want it. I do not mean that, if this vast concourse of people were in a Territory of the United States, any one of them would be obliged to have a slave if he did not want one; but I do say that, as I understand the Dred Scott decision, if any one man wants slaves, all the rest have no way of keeping that one man from holding them.

Can it be true, that placing this institution upon the original basis—the basis upon which our fathers placed it—can have any tendency to set the Northern and the Southern States at war with one another, or that it can have any tendency to make the people of Vermont raise sugar-cane because they raise it in Louisiana, or that it can compel the people of Illinois to cut pine logs on the Grand Prairie, where they will not grow, because they cut pine logs in Maine, where they do grow? The judge says this is a new principle started in regard to this question. Does the judge claim that he is working on the plan of the founders of the Government? I think he says in some of his speeches—indeed, I have one here now—that he saw evidence of a policy to allow slavery to be south of a certain line while north of it it should be excluded, and he saw an indisposition on the part of the country to stand upon that policy, and, therefore, he set about studying the subject upon original principles and upon original principles he got up the Nebraska bill! I am fighting it upon these "original principles"—fighting it in the Jeffersonian, Washingtonian, and Madisonian fashion.

Now, my friends, I wish you to attend for a little while to one or two other things in that Springfield speech. My main

object was to show, so far as my humble ability was capable of showing to the people of this country, what I believed was the truth—that there was a tendency, if not a conspiracy, among those who have engineered this slavery question for the last four or five years, to make slavery perpetual and universal in this nation.

Now, the judge replies that he never had any talk with Judge Taney or the President of the United States with regard to the Dred Scott decision before it was made. What if Judge Douglas never did talk with Chief Justice Taney and the President before the Dred Scott decision was made; does it follow that he could not have had as perfect an understanding without talking as with it? I am not disposed to stand upon my legal advantage. I am disposed to take his denial as being like an answer in chancery, and he neither had any knowledge, information, nor belief in the existence of such a conspiracy. I am disposed to take his answer as being as broad as though he had put it in these words. And now, I ask, even if he had done so, have not I a right to prove it on him, and to offer the evidence of more than two witnesses by whom to prove it; and, if the evidence proves the existence of the conspiracy, does his broad answer, denying all knowledge, information, or belief, disturb the fact? It can only show that he was used by conspirators, and was not a leader of them.

Now, I want to ask your attention to a portion of the Nebraska bill which Judge Douglas has quoted: "It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Thereupon Judge Douglas and others began to argue in favor of "popular sovereignty"—the right of the people to have slaves if they wanted them, and to exclude slavery if they did not want them. "But," said, in substance, a Senator from Ohio (Mr. Chase, I believe), "we more than suspect that you do not mean to allow the people to exclude slavery if they wish to; and, if you do mean it, accept an amendment which I propose expressly authorizing the people to exclude slavery."

Judge Douglas and those acting with him voted that amendment down. I now think that those men who voted it down had a real reason for doing so. They know what that reason was. It looks to us, since we have seen the Dred Scott decision pronounced, holding that, "under the Constitution," the people

cannot exclude slavery—I say it looks to outsiders, poor, simple, "amiable, intelligent gentlemen," as though the niche was left as a place to put that Dred Scott decision in, a niche which would have been spoiled by adopting the amendment. And now I say again, if this was not the reason, it will avail the judge much more calmly and good-humoredly to point out to these people what that other reason was for voting the amendment down than swelling himself up to vociferate that he may be provoked to call somebody a liar.

Again: there is in that same quotation from the Nebraska bill this clause: "It being the true intent and meaning of this bill not to legislate slavery into any Territory or State." I have always been puzzled to know what business the word "State" had in that connection. Judge Douglas knows. He put it there. He knows what he put it there for. We outsiders cannot say what he put it there for. The law they were passing was not about States, and was not making provision for States. What was it placed there for? After seeing the Dred Scott decision, which holds that the people cannot exclude slavery from a Territory, if another Dred Scott decision shall come, holding that they cannot exclude it from a State, we shall discover that, when the word was originally put there, it was in view of something which was to come in due time; we shall see that it was the other half of something. I now say again, if there is any different reason for putting it there, Judge Douglas, in a good-humored way, without calling anybody a liar, can tell what the reason was.

When the judge spoke at Clinton, he said:

> I did not answer the charge [*of conspiracy*] before for the reason that I did not suppose there was a man in America with a heart so corrupt as to believe such a charge could be true. I have too much respect for Mr. Lincoln to suppose he is serious in making the charge.

What is this charge that the judge thinks I must have a very corrupt heart to make? It was a purpose on the part of certain high functionaries to make it impossible for the people of one State to prohibit the people of any other State from entering it with their "property," so-called, and making it a slave State. In other words, it was a charge implying a design to make the institution of slavery national. Yet the judge, in regard to the Lecompton constitution, made the very charge that he thinks I am so corrupt for uttering. We see the charge made, not merely against the editor of the Washington *Union*,[1]

[1] The organ of the Administration.

but all the framers of the Lecompton constitution. I recommend to Judge Douglas's consideration the question of how corrupt a man's heart must be to make such a charge.

I ask the attention of the people here assembled and elsewhere, to the course that Judge Douglas is pursuing every day as bearing upon this question of making slavery national. In the first place, what is necessary to make the institution national? Not war. There is no danger that the people of Kentucky will shoulder their muskets, and, with a young nigger stuck on every bayonet, march into Illinois and force them upon us. There is no danger of our going over there and making war upon them. Then what is necessary for the nationalization of slavery? It is simply the next Dred Scott decision. It is merely for the Supreme Court to decide that no State under the Constitution can exclude it, just as they have already decided that, under the Constitution, neither Congress nor the territorial legislature can do it. When that is decided and acquiesced in the whole thing is done. This being true, and this being the way, as I think, that slavery is to be made national, let us consider what Judge Douglas is doing every day to that end. In the first place, let us see what influence he is exerting on public sentiment. He who molds public sentiment goes deeper than he who enacts statutes or pronounces decisions, for he makes statutes and decisions possible or impossible to be executed. Now, Judge Douglas is a man of vast influence, so great that it is enough for many men to profess to believe anything when they once find out that Judge Douglas professes to believe it. Consider, also, the attitude he occupies at the head of a large party—a party which he claims has a majority of all the voters in the country.

This man sticks to a decision which forbids the people of a Territory to exclude slavery, and he does so not because he says it is right in itself—he does not give any opinion on that—but because it has been decided by the court, and, being decided by the court, he is, and you are, bound to take it in your political action as law—not that he judges at all of its merits, but because a decision of the court is to him a "Thus saith the Lord." He places it on that ground alone, and you will bear in mind that thus committing himself unreservedly to this decision commits him to the next one just as firmly as to this. It is nothing that I point out to him that his great prototype, General Jackson, did not believe in the binding force of decisions. It is nothing to him that Jefferson did not so believe. And, on the question of respect for judicial decisions, I remind

him of a piece of Illinois history, when a large party to which Judge Douglas belonged were displeased with a decision of the Supreme Court of Illinois, because they had decided that a governor could not remove a secretary of state. Judge Douglas will not deny that he was then in favor of overslaughing that decision by the mode of adding five new judges, so as to vote down the four old ones. Not only so, but it ended in the judge's sitting down on the very bench as one of the five new judges to break down the four old ones. It was in this way precisely that he got his title of judge. Now, when the judge tells me that men appointed conditionally to sit as members of a court will have to be catechised beforehand upon some subject, I say, "You know, judge; you have tried it." When he says a court of this kind will lose the confidence of all men, will be prostituted and disgraced by such a proceeding, I say, "You know best, judge; you have been through the mill."

But I cannot shake Judge Douglas's teeth loose from the Dred Scott decision. Like some obstinate animal (I mean no disrespect) that will hang on when he has once got his teeth fixed—you may cut off a leg, or you may tear away an arm, still he will not relax his hold. And so I may point out to the judge, and say that he is bespattered all over, from the beginning of his political life to the present time, with attacks upon judicial decisions—I may cut off limb after limb of his public record, and strive to wrench from him a single dictum of the court, yet I cannot divert him from it. He hangs to the last to the Dred Scott decision. These things show there is a purpose strong as death and eternity for which he adheres to this decision, and for which he will adhere to all other decisions of the same court. [*A Hibernian: "Give us something besides Drid Scott."*] Yes; no doubt you want to hear something that doesn't hurt.

Now, having spoken of the Dred Scott decision, one more word and I am done. Henry Clay, my beau ideal of a statesman, the man for whom I fought all my humble life—Henry Clay once said of a class of men who would repress all tendencies to liberty and ultimate emancipation, that they must, if they would do this, go back to the era of our independence and muzzle the cannon which thunders its annual joyous return; they must blow out the moral lights around us; they must penetrate the human soul and eradicate there the love of liberty; and then, and not till then, could they perpetuate slavery in this country! To my thinking, Judge Douglas is, by his example and vast influence, doing that very thing in this com-

munity when he says that the negro has nothing in the Declaration of Independence. Henry Clay plainly understood the contrary. Judge Douglas is going back to the era of our Revolution, and to the extent of his ability muzzling the cannon which thunders its annual joyous return. When he invites any people, willing to have slavery, to establish it, he is blowing out the moral lights around us. When he says he "cares not whether slavery is voted down or voted up"—that it is a sacred right of self-government—he is, in my judgment, penetrating the human soul and eradicating the light of reason and the love of liberty in this American people. And now I will only say that when, by all these means and appliances, Judge Douglas shall succeed in bringing public sentiment to an exact accordance with his own views—when these vast assemblages shall echo back all these sentiments—when they shall come to repeat his views and to avow his principles, and to say all that he says on these mighty questions—then it needs only the formality of the second Dred Scott decision, which he indorses in advance, to make slavery alike lawful in all the States—old as well as new, North as well as South.

Senator Douglas.—The first point to which I will call your attention is as to what I said about the organization of the Republican party in 1854, and the platform that was formed on the 5th of October of that year, and I will then put the question to Mr. Lincoln whether or not he aproves of each article in that platform and ask for a specific answer. I did not charge him with being a member of the committee which reported that platform. I charged that that platform was the platform of the Republican party adopted by them. I want to remind Mr. Lincoln that, on the very day he made his speech in reply to me, preaching up this same doctrine of negro equality under the Declaration of Independence, this Republican party met in convention at the same place. This denial of his that he did not act on the committee is a miserable quibble to avoid the main issue, which is that this Republican platform declares in favor of the unconditional repeal of the Fugitive Slave Law. He has evaded my questions on this and every other issue of that platform.

It is true he gives the Abolitionists to understand by a hint that he would not vote to admit such a State if slavery were one of its institutions. And why? He goes on to say that the man who would talk about giving each State the right to have slavery or not, as it pleased, was akin to the man who would muzzle the guns which thundered forth the annual joyous return

of the day of our independence. He says that that kind of talk is casting a blight on the glory of this country. What is the meaning of that? That he is not in favor of each State to have the right of doing as it pleases on the slavery question? I will put the question to him again and again, and I intend to force it out of him.

All of the questions I have put to him are practical questions—questions based upon the fundamental principles of the Black Republican party; and I want to know whether he is the first, last, and only choice of a party with whom he does not agree in principle.

The Black Republican party stands pledged that they will never support Lincoln until he has pledged himself to that platform, but he cannot devise his answer; he has not made up his mind whether he will or not. He talked about everything else he could think of to occupy his hour and a half, and when he could not think of anything more to say, without an excuse for refusing to answer these questions, he sat down long before his time was out.

In relation to Mr. Lincoln's charge of conspiracy against me I have a word to say. In his second Springfield speech he stated that he intended his first speech as a charge of corruption or conspiracy against the Supreme Court of the United States, President Pierce, President Buchanan, and myself. He then said that when he made it he did not know whether it was true or not, but, inasmuch as Judge Douglas had not denied it, he repeated it as a charge of conspiracy against me, thus charging me with moral turpitude. When he put it in that form I did say that, inasmuch as he repeated the charge simply because I had not denied it, I would deprive him of the opportunity of ever repeating it again by declaring that it was in all its bearings an infamous lie.

He studied that out—prepared that one sentence with the greatest care, committed it to memory, and put it in his first Springfield speech, and now he carries that speech around and reads that sentence to show how pretty it is. His vanity is wounded because I will not go into that beautiful figure of his about the building of a house. All I have to say is that I am not green enough to let him make a charge which he acknowledges he does not know to be true, and then take up my time in answering it, when I know it to be false and nobody else knows it to be true.

There is an unpardonable presumption in a man putting himself up before thousands of people and pretending that his

*ipse dixit*, without proof, without fact, and without truth, is enough to bring down and destroy the purest and best of living men.

Mr. Lincoln wants to know why I voted against Mr. Chase's amendment to the Nebraska bill. I will tell him. In the first place, the bill already conferred all the power which Congress had, by giving the people the whole power over the subject. Chase offered a proviso that they might abolish slavery, which, by implication, would convey the idea that they could prohibit by not introducing that institution. General Cass asked him to modify his amendment so as to provide that the people might either prohibit or introduce slavery and thus make it fair and equal. Chase refused to so modify his proviso and then General Cass and all the rest of us voted it down.

Mr. Lincoln wants to know why the word "State," as well as "Territory," was put into the Nebraska bill? I will tell him. It was put there to meet just such false arguments as he has been adducing. That, first, not only the people of the Territories should do as they pleased, but that, when they come to be admitted as States, they should come into the Union with or without slavery, as the people determined. I meant to knock in the head this Abolition doctrine of Mr. Lincoln's that there shall be no more slave States, even if the people want them.

Mr. Lincoln does not want to avow his principles. I do want to avow mine, as clear as sunlight in midday. Democracy is founded upon the eternal principles of right. The plainer these principles are avowed before the people the stronger will be the support which they will receive. I only wish I had the power to make them so clear that they would shine in the heavens for every man, woman, and child to read. The first of those principles that I would proclaim would be in opposition to Mr. Lincoln's doctrine of uniformity between the different States, and I would declare instead the sovereign right of each State to decide the slavery question as well as all other domestic questions for themselves, without interference from any other State or power whatsoever.

When that principle is recognized you will have peace and harmony and fraternal feeling between all the States of this Union; until you do recognize that doctrine there will be sectional warfare agitating and distracting the country. What does Mr. Lincoln propose? He says that the Union cannot exist divided into free and slave States. If it cannot endure thus divided then he must strive to make them all free or all slave, which will inevitably bring about a dissolution of the Union.

*Second Debate—At Freeport, August 27, 1858*

Mr. Lincoln opened the second debate by answering Senator Douglas's questions put to him at Ottawa.

Question 1. "I desire to know whether Lincoln to-day stands as he did in 1854, in favor of the unconditional repeal of the Fugitive Slave Law?"

Answer. I do not now, nor ever did, stand in favor of the unconditional repeal of the Fugitive Slave Law.

Q. 2. "I desire him to answer whether he stands pledged to-day, as he did in 1854, against the admission of any more slave States into the Union, even if the people want them?"

A. I do not now, nor ever did, stand pledged against the admission of any more slave States into the Union.

Q. 3. "I want to know whether he stands pledged against the admission of a new State into the Union with such a constitution as the people of that State may see fit to make?"

A. I do not stand pledged against the admission of a new State into the Union with such a constitution as the people of that State may see fit to make.

Q. 4. "I want to know whether he stands to-day pledged to the abolition of slavery in the District of Columbia?"

A. I do not stand to-day pledged to the abolition of slavery in the District of Columbia.

Q. 5. "I desire him to answer whether he stands pledged to the prohibition of the slave trade between the different States?"

A. I do not stand pledged to the prohibition of the slave trade between the different States.

Q. 6. "I desire to know whether he stands pledged to prohibit slavery in all the Territories of the United States, north as well as south of the Missouri compromise line?"

A. I am impliedly, if not expressly, pledged to a belief in the right and duty of Congress to prohibit slavery in all the United States Territories.

Q. 7. "I desire him to answer whether he is opposed to the acquisition of any new territory unless slavery is first prohibited therein?"

A. I am not generally opposed to honest acquisition of territory; and, in any given case, I would or would not oppose such acquisition, accordingly as I might think such acquisition would or would not aggravate the slavery question among ourselves.

Now, my friends, it will be perceived I have answered in strict accordance with the interrogatories as he has framed them. I am really disposed to take up at least some of these questions and state what I really think upon them.

As to the first one, in regard to the Fugitive Slave Law, I have never hesitated to say, and I do not now hesitate to say, that I think, under the Constitution of the United States, the people of the Southern States are entitled to a congressional Fugitive Slave Law. Having said that I have had nothing to say in regard to the existing Fugitive Slave Law further than that I think it should have been framed so as to be free from some of the objections that pertain to it, without lessening its efficiency. And, inasmuch as we are not now in an agitation in regard to an alteration or modification of that law, I would not be the man to introduce it as a new subject of agitation upon the general question of slavery.

In regard to the other question of whether I am pledged to the admission of any more slave States into the Union, I state to you very frankly that I would be exceedingly sorry ever to be put in a position of having to pass upon that question. I should be exceedingly glad to know that there would never be another slave State admitted into the Union; but, I must add, that, if slavery shall be kept out of the Territories during the territorial existence of any one given Territory, and then the people shall, having a fair chance and a clear field, when they come to adopt the Constitution, do such an extraordinary thing as to adopt a slave constitution, uninfluenced by the actual presence of the institution among them, I see no alternative, if we own the country,[1] but to admit them into the Union.

The third interrogatory is answered by the answer to the second, it being, as I conceive, the same as the second.

The fourth one is in regard to the abolition of slavery in the District of Columbia. In relation to that I have my mind very distinctly made up. I should be exceedingly glad to see slavery abolished in the District of Columbia. I believe that Congress possesses the constitutional power to abolish it. Yet, as a member of Congress, I should not, with my present views, be in favor of endeavoring to abolish slavery in the District of Columbia unless it would be upon these conditions: First, that the abolition should be gradual; second, that it should be on a vote of the majority of qualified voters in the District; and, third, that compensation should be made to unwilling owners.

[1] A qualification intended to exempt Cuba, whose annexation was contemplated by President Buchanan.

With these three conditions I confess I would be exceedingly glad to see Congress abolish slavery in the District of Columbia, and, in the language of Henry Clay, "sweep from our capital that foul blot upon our nation."

In regard to the fifth interrogatory I must say here that, as to the question of the abolition of the slave trade between the different States, I can truly answer, as I have, that I am pledged to nothing about it. That question has never been prominently enough before me to induce me to investigate whether we really have the constitutional power to do it. I could investigate it if I had sufficient time to bring myself to a conclusion upon that subject, but I have not done so, and I say so frankly to you here and to Judge Douglas. I must say, however, that, if I should be of opinion that Congress does possess the constitutional power to abolish the slave trade among the different States, I should still not be in favor of the exercise of that power unless upon some conservative principle as I conceive it, akin to what I have said in relation to the abolition of slavery in the District of Columbia.

My answer as to whether I desire that slavery should be prohibited in all the Territories of the United States is full and explicit within itself and cannot be made clearer by any comments of mine. So I suppose in regard to the question whether I am opposed to the acquisition of any more territory unless slavery is first prohibited therein;[1] my answer is such that I could add nothing by way of illustration, or making myself better understood, than the answer which I have placed in writing.

Now in all this the judge has me, and he has me on the record. I suppose he had flattered himself that I was really entertaining one set of opinions for one place and another set for another place—that I was afraid to say at one place what I uttered at another. What I am saying here I suppose I say to a vast audience as strongly tending to Abolitionism as any audience in the State of Illinois, and I believe I am saying that which, if it would be offensive to any persons and render them enemies to myself, would be offensive to persons in this audience.

I now proceed to propound to the judge the interrogatories so far as I have framed them.

Question 1. If the people of Kansas shall, by means entirely unobjectionable in all other respects, adopt a State constitution, and ask admission into the Union under it, before they have the requisite number of inhabitants according to the English

[1] The proposed annexation of Cuba is referred to.

bill—some ninety-three thousand—will you vote to admit them?

Q. 2. Can the people of a United States Territory in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution?

Q. 3. If the Supreme Court of the United States shall decide that States cannot exclude slavery from their limits, are you in favor of acquiescing in, adopting, and following such decision as a rule of political action?

Q. 4. Are you in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question?

As introductory to the interrogatories which Judge Douglas propounded to me at Ottawa he read a set of resolutions which he said Judge Trumbull and myself had participated in adopting, in the first Republican State convention, held at Springfield, in October, 1854. He insisted that I and Judge Trumbull, and perhaps the entire Republican party, were responsible for the doctrines contained in the resolutions, and I understand that it was from these resolutions that he deduced the interrogatories. Now I say here to-day that I do not answer his interrogatories because of their springing at all from that set of resolutions which he read. I answered them because Judge Douglas thought fit to ask them. I do not now, nor ever did, recognize any responsibility upon myself in that set of resolutions. When I replied to him on that occasion I assured him that I never had anything to do with them. I really did not know but that they had been the resolutions passed, as the judge represented they had been. I did not question his word, for I could not bring myself to suppose that Judge Douglas could say what he did upon this subject without knowing that it was true. Now it turns out that he had got hold of some resolutions passed at some convention or public meeting in Kane County. I can account for the judge's action only upon the supposition that that evil genius which has attended him through his life, giving to him an apparent astonishing prosperity—such as to lead very many good men to doubt there being any advantage in virtue over vice—has at last made up its mind to forsake him.

I have been in the habit of charging as a matter of belief on my part that, in the introduction of the Nebraska bill into Congress, there was a conspiracy to make slavery perpetual and national.

Judge Douglas says he characterized it as a falsehood as far as I implicated his moral character in that transaction. Now, I

can conceive it possible for men to conspire to do a good thing, and I really find nothing in Judge Douglas's course of arguments that is contrary to or inconsistent with his belief of a conspiracy to nationalize and spread slavery as being a good and blessed thing, and so I hope he will understand that I do not at all question but that in all this matter he is entirely "conscientious."

I have argued and said that for men who did intend that the people of the Territory should have the right to exclude slavery absolutely and unconditionally, the voting down of Chase's amendment is wholly inexplicable. What reason does the judge give for the vote? That when Chase came forward with his amendment expressly authorizing the people to exclude slavery from the limits of every Territory, General Cass proposed to Chase, if he (Chase) would add to his amendment that the people should have the power to introduce or exclude, they would let it go.

This is absolutely all of his reply. And because Chase would not do that they voted his amendment down. Well, it turns out, I believe, upon examination, that General Cass took some part in the little running debate upon that amendment, and then ran away and did not vote on it at all. So confident, as I think, was General Cass that there was a snake somewhere about, he chose to run away from the whole thing.

Senator Douglas chose to reply to his opponent's interrogatories before analyzing Lincoln's replies to his own.

First, he desires to know if the people of Kansas shall form a constitution by means entirely proper and unobjectionable and ask admission into the Union as a State, before they have the requisite population for a member of Congress, whether I will vote for that admission. In reference to Kansas it is my opinion that, as she has population enough to constitute a slave State, she has people enough for a free State. I will not make Kansas an exceptional case to the other States of the Union. I hope Mr. Lincoln is satisfied with my answer; and now I would like to get his answer to his own interrogatory—whether or not he will vote to admit Kansas before she has the requisite population. I want to know whether he will vote to admit Oregon before that Territory has the requisite population. Mr. Trumbull will not, and the same reason that commits Mr. Trumbull against the admission of Oregon commits him against Kansas, even if

she should apply for admission as a free State. I would like Mr. Lincoln to answer this question. I would like him to take his own medicine. If he differs with Mr. Trumbull, let him answer his argument against the admission of Oregon, instead of poking questions at me.

The next question propounded to me by Mr. Lincoln is: Can the people of a Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to the formation of a State constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that, in my opinion, the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State constitution. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local regulations. Those police regulations can only be established by the local legislature, and, if the people are opposed to slavery, they will elect representatives to that body who will, by unfriendly legislation, effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point.[1]

In this connection I will notice the charge which he has introduced in relation to Mr. Chase's amendment. The Nebraska bill provided that the legislative power and authority of the said Territory should extend to all rightful subjects of legislation consistent with the organic act and the Constitution of the United States. It did not make any exception as to slavery, but gave all the power that it was possible for Congress to give, without violating the Constitution, to the territorial legislature, with no exception or limitation on the subject of slavery at all. What more could Mr. Chase give by his amendment? Nothing. He offered his amendment for the identical purpose for which Mr. Lincoln is using it, to enable demagogues in the country to try and deceive the people.

The third question which Mr. Lincoln presented is: If the

[1] For comment on this celebrated "Freeport doctrine," see page 162.

Supreme Court of the United States shall decide that a State of this Union cannot exclude slavery from its own limits, will I submit to it? I am amazed that Lincoln should ask such a question. [*"A schoolboy knows better."*] Yes, a schoolboy does know better. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America claiming any degree of intelligence or decency who ever for a moment pretended such a thing. It is true that the Washington *Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate, in a speech which Mr. Lincoln now pretends was against the President. The *Union* had claimed that slavery had a right to go into the free States, and that any provision in the Constitution or laws of the free States to the contrary was null and void. I denounced it in the Senate, as I said before, and I was the first man who did. Lincoln's friends, Trumbull, and Seward, and Hale, and Wilson, and the whole Black Republican side of the Senate were silent. They left it to me to denounce it. And what was the reply made to me on that occasion? Mr. Toombs, of Georgia, got up and undertook to lecture me on the ground that I ought not to have deemed the article worthy of notice, and ought not to have replied to it; that there was not one man, woman, or child south of the Potomac, in any slave State, who did not repudiate any such pretension. Mr. Lincoln knows that that reply was made on the spot, and yet now he asks this question. He might as well ask me, suppose Mr. Lincoln should steal a horse, would I sanction it? and it would be as genteel in me to ask him, in the event he stole a horse, what ought to be done with him. He casts an imputation upon the Supreme Court of the United States by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible. It would be an act of moral treason that no man on the bench ever descended to. Mr. Lincoln himself would never in his partisan feelings so far forget what was right as to be guilty of such an act.

The fourth question of Mr. Lincoln is: Are you in favor of acquiring additional territory, in disregard as to how such acquisition may affect the Union on the slavery question? This question is very ingeniously and cunningly put.

The Black Republican creed lays it down expressly that under no circumstances, shall we acquire any more territory unless slavery is first prohibited in the country. I ask Mr. Lincoln whether he is in favor of that proposition. Are you [*ad-*

*dressing Mr. Lincoln*] opposed to the acquisition of any more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party he turns, Yankee-fashion, and, without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. I answer that, whenever it becomes necessary, in our growth and progress, to acquire more territory, I am in favor of it, without reference to the question of slavery, and, when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory, as they prefer.

I trust now that Mr. Lincoln will deem himself answered on his four points. He racked his brain so much in devising these four questions that he exhausted himself, and had not strength enough to invent others. As soon as he is able to hold a council with his advisors, Lovejoy, Farnsworth, and Fred Douglass, he will frame and propound others. [*"Good, good."*] You Black Republicans who say good I have no doubt think that they are all good men. I have reason to recollect that some people in this country think that Fred Douglass is a very good man. The last time I came here to make a speech, while talking from the stand to you, people of Freeport, as I am doing to-day, I saw a carriage, and a magnificent one it was, drive up and take a position on the outside of the crowd; a beautiful young lady was sitting on the box-seat, while Fred Douglass and her mother reclined inside, and the owner of the carriage acted as driver. I saw this in your own town. [*"What of it?"*] All I have to say of it is this, that if you Black Republicans think that the negro ought to be on a social equality with your wives and daughters, and ride in a carriage with your wife, while you drive the team, you have a perfect right to do so.

I have a word to say on Mr. Lincoln's answer to the interrogatories contained in my speech at Ottawa, and which he has pretended to reply to here to-day. Mr. Lincoln makes a great parade of the fact that I quoted a platform as having been adopted by the Black Republican party at Springfield in 1854, which, it turns out, was adopted at another place. Mr. Lincoln loses sight of the thing itself in his ecstasies over the mistake I made in stating the place where it was done. He thinks that that platform was not adopted on the right "spot."

When I put the direct questions to Mr. Lincoln to ascertain whether he now stands pledged to that creed—to the unconditional repeal of the Fugitive Slave Law, a refusal to admit any

more slave States into the Union even if the people want them, a determination to apply the Wilmot proviso, not only to all the territory we now have, but all that we may hereafter acquire —he refused to answer, and his followers say, in excuse, that the resolutions upon which I based my interrogatories were not adopted at the right "spot." Lincoln and his political friends are great on "spots." In Congress, as a representative of this State, he declared the Mexican War to be unjust and infamous, and would not support it, or acknowledge his own country to be right in the contest, because he said that American blood was not shed on American soil in the right "spot."[1] And now he cannot answer the questions I put to him at Ottawa because the resolutions I read were not adopted at the right "spot." It may be possible that I was led into an error as to the spot on which the resolutions I then read were proclaimed, but I was not, and am not, in error as to the fact of their forming the basis of the creed of the Republican party when that party was first organized.

This platform was adopted in nearly every county that gave a Black Republican majority for the legislature in that year. I will now read the resolutions adopted at the Rockford convention on the 30th of August, 1854, which nominated Washburne for Congress. You elected him on the following platform:

Here the speaker read the platform, which was strongly Abolitionist in sentiment. There were cries of approval from the audience.

Well, you think that is a very good platform, do you not? If you do, if you approve it now, and think it is all right, you will not join with those men who say that I libel you by calling these your principles, will you? Now, Mr. Lincoln complains; Mr. Lincoln charges that I did you and him injustice by saying that this was the platform of your party. I am told that Washburne made a speech in Galena last night, in which he abused me awfully for bringing to light this platform, on which he was elected to Congress. He thought that you had forgotten it, as he and Mr. Lincoln desire to. He did not deny but that you had adopted it, and that he had subscribed to and was pledged by it, but he did not think it was fair to call it up and remind the people that it was their platform.

But I am glad to find that you are more honest in your Abolitionism than your leaders, by avowing that it is your platform, and right in your opinion.

[1] See Volume II, page 373.

In the adoption of that platform you not only declared that you would resist the admission of any more slave States and work for the repeal of the Fugitive Slave Law, but you pledged yourself not to vote for any man for State or federal offices who was not committed to these principles. You were thus committed. Similar resolutions to those were adopted in your county convention here; and now, with your admissions that they are your platform and embody your sentiments now as they did then, what do you think of Mr. Lincoln, your candidate for the United States Senate, who is attempting to dodge the responsibility of this platform, because it was not adopted in the right spot. When I get into the next district I will show that the same platform was adopted there, and so on through the State, until I nail the responsibility of it upon the back of the Black Republican party throughout the State. [*A voice: "Couldn't you modify and call it brown?"*] Not a bit. I thought that you were becoming a little brown when your members in Congress voted for the Crittenden-Montgomery bill, but, since you have backed out from that position and gone back to Abolitionism, you are black and not brown.

When the bargain between Lincoln and Trumbull was completed for abolitionizing the Whig and Democratic parties they "spread" over the State, Lincoln still pretending to be an old-line Whig, in order to "rope in" the Whigs, and Trumbull pretending to be as good a Democrat as he ever was, in order to coax the Democrats over into the Abolition ranks. They played the part of "decoy ducks," and deceived enough old-line Whigs and old-line Democrats to elect a Black Republican legislature.

The bargain was that Lincoln was to have Shields's place, and Trumbull was to have waited for mine, but Trumbull, having the control of a few abolitionized Democrats, prevented them from voting for Lincoln, thus keeping him within a few votes of an election until he succeeded in forcing the party to drop him and elect Trumbull. Well, Trumbull having cheated Lincoln, his friends made a fuss, and, in order to keep them and Lincoln quiet, the party were obliged to come forward, in advance, at the last State election, and make a pledge that they would go for Lincoln and nobody else. Lincoln could not be silenced in any other way.

Now, there are a great many Black Republicans of you who do not know this thing was done. [*"White, white," and great clamor.*] I wish to remind you that while Mr. Lincoln was speaking there was not a Democrat vulgar and blackguard enough to interrupt him. But I know that the shoe is pinching

you. I am clinching Lincoln now, and you are scared to death for the result. I have seen this thing before. I have seen men make appointments for joint discussions, and, the moment their man has been heard, try to interrupt and prevent a fair hearing of the other side. I have seen your mobs before, and defy their wrath. [*Tremendous applause.*] My friends, do not cheer, for I need my whole time. The object of the opposition is to occupy my attention in order to prevent me from giving the whole evidence and nailing this double-dealing on the Black Republican party. As I have before said: Lovejoy demanded a declaration of principles on the part of the Black Republicans of the legislature before going into an election for United States Senator. He offered resolutions which declared:

First, that the Wilmot proviso must be applied to all territory north of 36° 30′; secondly, that it must be applied to all territory south of 36° 30′; thirdly, that it must be applied to all the territory now owned by the United States; and, finally, that it must be applied to all territory hereafter to be acquired by the United States. The next resolution declares that no more slave States shall be admitted into this Union under any circumstances whatever, no matter whether they are formed out of territory now owned by us or that we may hereafter acquire, by treaty, by Congress, or in any manner whatever. The next resolution demands the unconditional repeal of the Fugitive Slave Law, although its unconditional repeal would leave no provision for carrying out that clause of the Constitution of the United States which guarantees the surrender of fugitives. If they could not get an unconditional repeal, they demanded that that law should be so modified as to make it as nearly useless as possible. Now, I want to show you who voted for these resolutions. When the vote was taken on the first resolution, it was decided in the affirmative—yeas 41, nays 32. You will find that this is a strict party vote, between the Democrats on the one hand and the Black Republicans on the other. [*Cries of "White, white," and clamor.*] I know your name, and always call things by their right name. The point I wish to call your attention to is this: that these resolutions were adopted on the 7th day of February, and that on the 8th they went into an election for a United States Senator, and that day every man who voted for these resolutions, with but two exceptions, voted for Lincoln for the United States Senate.

Bear in mind that the members who thus voted for Lincoln were elected to the legislature pledged to vote for no man for office under the State or Federal Government who was not com-

mitted to this Black Republican platform. Mr. Turner, who stands by me, and who then represented you, and who says that he wrote those resolutions, voted for Lincoln, when he was pledged not to do so unless Lincoln was in favor of those resolutions. I now ask Mr. Turner [*turning to Mr. Turner*], did you violate your pledge in voting for Mr. Lincoln, or did he commit himself to your platform before you cast your vote for him?

Either Lincoln was pledged to each one of those propositions or else every Black Republican representative from this congressional district violated his pledge of honor to his constituents by voting for him. I ask you which horn of the dilemma will you take? There is no dodging the question; I want Lincoln's answer. He says he was not pledged to repeal the Fugitive Slave Law, that he does not quite like to do it; he will not introduce a law to repeal it, but thinks there ought to be some law; he does not tell what it ought to be; upon the whole, he is altogether undecided and don't know what to think or do. Why cannot he speak out and say what he is for and what he will do?

In regard to there being no more slave States he is not pledged to that. He would not like, he says, to be put in a position where he would have to vote one way or another upon that question. I pray you, do not put him in a position that would embarrass him so much. Gentlemen, if he goes to the Senate he may be put in that position, and which way will he vote? [*A voice: "How will you vote?"*] I will vote for the admission of just such a State as, by the form of their constitution, the people show they want. If they want slavery, they shall have it; if they prohibit slavery, it shall be prohibited. They can form their institutions to please themselves, subject only to the Constitution; and I, for one, stand ready to receive them into the Union. Why cannot your Black Republican candidates talk out as plain as that when they are questioned?

Mr. Lincoln.—The first thing I have to say to you is a word in regard to Judge Douglas's declaration about the "vulgarity and blackguardism" in the audience—that no such thing, as he says, was shown by any Democrat while I was speaking. Now I only wish, by way of reply on this subject, to say that while I was speaking I used no "vulgarity or blackguardism" toward any Democrat.

Now, my friends, I come to all this long portion of the judge's speech which he has devoted to the various resolutions and platforms that have been adopted in the different counties in the different congressional districts, and in the Illinois legis-

lature—which he supposes are at variance with the position I have assumed before you to-day. It is true that many of these resolutions are at variance with the positions I have here assumed. I have never tried to conceal my opinions, nor tried to deceive any one in reference to them. He may go and examine all the members who voted for me for United States Senator in 1855, after the election of 1854. If he finds any of these persons who will tell him anything inconsistent with what I say now, I will retire from the race and give him no more trouble.

The plain truth is this. At the introduction of the Nebraska policy we believed there was a new era being introduced in the history of the republic which tended to the spread and perpetuation of slavery. But, in our opposition to that measure we did not agree with one another in everything. The people in the north end of the State were for stronger measures of opposition than we of the central and southern portions of the State, but we were all opposed to the Nebraska doctrine. We had that one feeling and that one sentiment in common. You at the north end met in your conventions and passed your resolutions. We in the middle of the State and further south did not hold such conventions and pass the same resolutions, although we had, in general, a common view and a common sentiment. So that these meetings which the judge has alluded to, and the resolutions he has read from, were local, and did not spread over the whole State. We at last met together in 1856, from all parts of the State, and we agreed upon a common platform. You who held more extreme notions either yielded those notions, or, if not wholly yielding them, agreed to yield them practically, for the sake of embodying the opposition to the measures which the opposite party were pushing forward at that time. We met you then, and, if there was anything yielded, it was for practical purposes. We agreed then upon a platform for the party throughout the entire State of Illinois and now we are all bound, as a party, to that platform. And I say here to you, if any one expects of me, in the case of my election, that I will do anything not signified by our Republican platform and my answers here to-day, I tell you very frankly that person will be deceived. Cannot the judge be satisfied? If he fears, in the unfortunate case of my election, that my going to Washington will enable me to advocate sentiments contrary to those which I expressed when you voted for and elected me, I assure him that his fears are wholly needless and groundless. Is the judge really afraid of any such thing? I'll tell you what he is afraid of. He is afraid we'll all pull together. For my part,

I do hope that all of us, entertaining a common sentiment in opposition to what appears to us a design to nationalize and perpetuate slavery, will waive minor differences on questions which either belong to the dead past or the distant future, and all pull together in this struggle. What are your sentiments? If it be true that, on the ground which I occupy—ground which I occupy as frankly and boldly as Judge Douglas does his—my views, though partly coinciding with yours, are not as perfectly in accordance with your feelings as his are, I do say to you in all candor, go for him and not for me. I hope to deal in all things fairly with Judge Douglas, and with the people of the State, in this contest. And, if I should never be elected to any office, I trust I may go down with no stain of falsehood upon my reputation, notwithstanding the hard opinions Judge Douglas chooses to entertain of me.

The speaker then referred to Douglas's break with his party on the Lecompton constitution, and his present efforts to mend the breach.

The judge's eye is farther south now. Then it was very peculiarly and decidedly north. His hope rested on the idea of enlisting the great "Black Republican" party, and making it the tail of his new kite. He knows he was then expecting from day to day to turn Republican and place himself at the head of our organization. He has found that these despised "Black Republicans" estimate him by a standard which he has taught them only too well. Hence he is crawling back into his old camp, and you will find him eventually installed in full fellowship among those whom he was then battling, and with whom he now pretends to be at such fearful variance. [*Loud applause and cries of "Go on, go on."*] I cannot, gentlemen, my time has expired.

*Third Debate—At Jonesboro, September 15, 1858*

Senator Douglas in the opening speech repeated the arguments he had presented in the former debates. Lincoln had been pressing him to declare himself upon the annexation of Cuba, and Douglas now did so as follows:

If we live up to the principle of State rights and State sovereignty, each State regulating its own affairs and minding its own business, we can go on and extend indefinitely, just as

fast and as far as we need the territory. The time may come, indeed has now come, when our interests would be advanced by the acquisition of the island of Cuba. When we get Cuba we must take it as we find it, leaving the people to decide the question of slavery for themselves, without interference on the part of the Federal Government, or of any State of this Union. So, when it becomes necessary to acquire any portion of Mexico or Canada, or of this continent or the adjoining islands, we must take them as we find them, leaving the people free to do as they please—to have slavery or not, as they choose. I never have inquired, and never will inquire, whether a new State applying for admission has slavery or not for one of her institutions. If the constitution that is presented be the act and deed of the people, and embodies their will, and they have the requisite population, I will admit them with slavery or without it, just as that people shall determine. My objection to the Lecompton constitution did not consist in the fact that it made Kansas a slave State. I would have been as much opposed to its admission under such a constitution as a free State as I was opposed to its admission under it as a slave State. I hold that that was a question which that people had a right to decide for themselves, and that no power on earth ought to have interfered with that decision. In my opinion, the Lecompton constitution was not the act and deed of the people of Kansas and did not embody their will, and the recent election in that Territory, at which it was voted down by nearly ten to one, shows conclusively that I was right in saying, when the constitution was presented, that it was not the act and deed of the people, and did not embody their will.

If we wish to preserve our institutions in their purity and transmit them unimpaired to our latest posterity we must preserve with religious good faith that great principle of self-government which guarantees to each and every State, old and new, the right to make just such constitutions as they desire, and come into the Union with their own constitution, and not one palmed upon them. Whenever you sanction the doctrine that Congress may crowd a constitution down the throats of an unwilling people, against their consent, you will subvert the great fundamental principle upon which all our free institutions rest. In the future I have no fear that the attempt will ever be made. President Buchanan declared in his annual message that hereafter the rule adopted in the Minnesota case, requiring a constitution to be submitted to the people, should be followed in all future cases, and, if he stands by that recommendation,

there will be no division in the Democratic party on that principle in the future. Hence the great mission of the Democracy is to unite the fraternal feeling of the whole country, restore peace and quiet by teaching each State to mind its own business and regulate its own domestic affairs, and all to unite in carrying out the Constitution as our fathers made it, and thus to preserve the Union and render it perpetual in all time to come. Why should we not act as our fathers who made the government? There was no sectional strife in Washington's army. They were all brethren of a common confederacy; they fought under a common flag that they might bestow upon their posterity a common destiny, and to this end they poured out their blood in common streams, and shared, in some instances, a common grave.

Mr. Lincoln in his reply showed the dilemma in which Senator Douglas had placed himself by his "Freeport Doctrine" of "unfriendly legislation," by which decisions of the Supreme Court could be practically evaded.

Mr. Lincoln.—The second interrogatory that I propounded to him was this:

Question 2. Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution?

To this Judge Douglas answered that they can lawfully exclude slavery from the Territory prior to the formation of a constitution. He goes on to tell us how it can be done. As I understand him, he holds that it can be done by the territorial legislature refusing to make any enactments for the protection of slavery in the Territory, and, especially, by adopting unfriendly legislation to it. For the sake of clearness, I state it again: that they can exclude slavery from the Territory—first, by withholding what he assumes to be an indispensable assistance to it in the way of legislation; and, second, by unfriendly legislation. If I rightly understand him, I wish to ask your attention for a while to his position.

In the first place, the Supreme Court of the United States has decided that any congressional prohibition of slavery in the Territories is unconstitutional—they have reached this proposition, as a conclusion from a former proposition, that the Constitution of the United States expressly rec-

ognizes property in slaves; and, from that other constitutional provision, that no person shall be deprived of property without due process of law. Hence they reach the conclusion that, as the Constitution of the United States expressly recognizes property in slaves, and prohibits any person from being deprived of property without due process of law, to pass an act of Congress by which a man who owned a slave on one side of a line would be deprived of him if he took him on the other side is depriving him of that property without due process of law. That I understand to be the decision of the Supreme Court. I understand, also, that Judge Douglas adheres most firmly to that decision; and the difficulty is, how is it possible for any power to exclude slavery from the Territory unless in violation of that decision? That is the difficulty.

In the Senate of the United States, in 1856, Judge Trumbull, in a speech, substantially, if not directly, put the same interrogatory to Judge Douglas, as to whether the people of a Territory had the lawful power to exclude slavery prior to the formation of a constitution? Judge Douglas then answered at considerable length, and his answer will be found in the *Congressional Globe,* under the date of June 9, 1856. The judge said that whether the people could exclude slavery prior to the formation of a constitution or not was a question to be decided by the Supreme Court. He put that proposition, as will be seen by the *Congressional Globe,* in a variety of forms, all running to the same thing in substance—that it was a question for the Supreme Court. I maintain that when he says, after the Supreme Court has decided the question, that the people may yet exclude slavery by any means whatever, he does virtually say that it is not a question for the Supreme Court. He shifts his ground. I appeal to you whether he did not say it was a question for the Supreme Court? Has not the Supreme Court decided that question? When he now says that the people may exclude slavery does he not make it a question for the people? Does he not virtually shift his ground and say that it is not a question for the court, but for the people? This is a very simple proposition—a very plain and naked one. It seems to me that there is no difficulty in deciding it. In a variety of ways he said that it was a question for the Supreme Court. He did not stop then to tell us that, whatever the Supreme Court decides, the people can, by withholding necessary "police regulations," keep slavery out. He did not make any such answer. I submit to you now whether the new state of the case has not induced

the judge to sheer away from his original ground. Would not this be the impression of every fairminded man?

I hold that the proposition that slavery cannot enter a new country without police regulations is historically false. It is not true at all. I hold that the history of this country shows that the institution of slavery was originally planted upon this continent without these "police regulations" which the judge now thinks necessary for the actual establishment of it. Not only so, but is there not another fact—how came this Dred Scott decision to be made? It was made upon the case of a negro being taken and actually held in slavery in Minnesota Territory, claiming his freedom because the act of Congress prohibited his being so held there. Will the judge pretend that Dred Scott was not held there without police regulations? There is at least one matter of record as to his having been held in slavery in the Territory, not only without police regulations, but in the teeth of congressional legislation supposed to be valid at the time. This shows that there is vigor enough in slavery to plant itself in a new country even against unfriendly legislation. It takes not only law but the enforcement of law to keep it out. That is the history of this country upon the subject.

I wish to ask one other question. It being understood that the Constitution of the United States guarantees property in slaves in the Territories, if there is any infringement of the right of that property, would not the United States courts, organized for the government of the Territory, apply such remedy as might be necessary in that case? It is a maxim held by the courts that there is no wrong without its remedy; and the courts have a remedy for whatever is acknowledged and treated as a wrong.

Again: I will ask you, my friends, if you were elected members of the legislature, what would be the first thing you would have to do before entering upon your duties? Swear to support the Constitution of the United States. Suppose you believe, as Judge Douglas does, that the Constitution of the United States guarantees to your neighbor the right to hold slaves in that Territory—that they are his property—how can you clear your oaths unless you give him such legislation as is necessary to enable him to enjoy that property? What do you understand by supporting the constitution of a State, or of the United States? Is it not to give such constitutional helps to the rights established by that constitution as may be practically needed? Can you, if you swear to support the Constitution, and believe that the Constitution establishes a right, clear your oath,

without giving it support? Do you support the Constitution if, knowing or believing, there is a right established under it which needs specific legislation, you withhold that legislation? Do you not violate and disregard your oath? I can conceive of nothing plainer in the world. There can be nothing in the words "support the Constitution" if you may run counter to it by refusing support to any right established under the Constitution. And what I say here will hold with still more force against the judge's doctrine of "unfriendly legislation." How could you, having sworn to support the Constitution, and believing that it guaranteed the right to hold slaves in the Territories, assist in legislation intended to defeat that right? That would be violating your own view of the Constitution. Not only so, but if you were to do so, how long would it take the courts to hold your votes unconstitutional and void? Not a moment.

Lastly I would ask—Is not Congress itself under obligation to give legislative support to any right that is established under the United States Constitution? A member of Congress swears to support the Constitution of the United States, and if he sees a right established by that Constitution which needs specific legislative protection, can he clear his oath without giving that protection? Let me ask you why many of us who are opposed to slavery upon principle give our acquiescence to a Fugitive Slave Law? Why do we hold ourselves under obligations to pass such a law, and abide by it when it is passed? Because the Constitution makes provision that the owners of slaves shall have the right to reclaim them. It gives the right to reclaim slaves, and that right is, as Judge Douglas says, a barren right, unless there is legislation that will enforce it.

The mere declaration, "No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered upon claim of the party to whom such service or labor may be due," is powerless without specific legislation to enforce it. Now, on what ground would a member of Congress who is opposed to slavery in the abstract vote for a fugitive law, as I would deem it my duty to do? Because there is a constitutional right which needs legislation to enforce it. And, although it is distasteful to me, I have sworn to support the Constitution, and, having so sworn, I cannot conceive that I do support it if I withhold from that right any necessary legislation to make it practical. And if that is true in regard to a fugitive slave law, is the right to have fugitive slaves reclaimed any better fixed in the

Constitution than the right to hold slaves in the Territories? For this decision is a just exposition of the Constitution, as Judge Douglas thinks. Is the one right and better than the other? Is there any man who, while a member of Congress, would give support to the one any more than the other? If I wished to refuse to give legislative support to slave property in the Territories, if a member of Congress, I could not do it, holding the view that the Constitution establishes that right. If I did it at all, it would be because I deny that this decision properly construes the Constitution. But, if I acknowledge, with Judge Douglas, that this decision properly construes the Constitution, I cannot conceive that I would be less than a perjured man if I should refuse in Congress to give such protection to that property as, in its nature, it needed.

At the end of what I have said here I propose to give the judge my fifth interrogatory, which he may take and answer at his leisure. My fifth interrogatory is this:

If the slaveholding citizens of a United States Territory should need and demand congressional legislation for the protection of their slave property in such Territory, would you as a member of Congress, vote for or against such legislation?

I am aware that in some of the speeches Judge Douglas has made he has spoken as if he did not know or think that the Supreme Court had decided that a territorial legislature cannot exclude slavery. Precisely what the judge would say upon the subject—whether he would say definitely that he does not understand they have so decided, or whether he would say he does understand that the court have so decided, I do not know; but I know that in his speech at Springfield he spoke of it as a thing they had not decided yet; and, in his answer to me at Freeport, he spoke of it again, so far as I can comprehend it, as a thing that had not yet been decided. Now I hold that, if the judge does entertain that view, I think that he is not mistaken in so far as it can be said that the court has not decided anything save the mere question of jurisdiction. I know the legal arguments that can be made—that after a court has decided that it cannot take jurisdiction in a case, it then has decided all that is before it, and that is the end of it. A plausible argument can be made in favor of that proposition, but I know that Judge Douglas has said in one of his speeches that the court went forward, like honest men as they were, and decided all the points in the case. If any points are really extra-judicially decided because not necessarily before them, then this one as to the power of the territorial legislature to

exclude slavery is one of them, as also the one that the Missouri compromise was null and void. They are both extrajudicial, or neither is, according as the court held that they had no jurisdiction in the case between the parties, because of want of capacity of one party to maintain a suit in that court. I want, if I have sufficient time, to show that the court did pass its opinion, but that is the only thing actually done in the case. If they did not decide, they showed what they were ready to decide whenever the matter was before them. What is that opinion? After having argued that Congress had no power to pass a law excluding slavery from a United States Territory, they then used language to this effect: That, inasmuch as Congress itself could not exercise such a power, it followed, as a matter of course, that it could not authorize a territorial government to exercise it, for the territorial legislature can do no more than Congress could do. Thus it expressed its opinion emphatically against the power of a territorial legislature to exclude slavery, leaving us in just as little doubt on that point as upon any other point they really decided.

Senator Douglas.—Mr. Lincoln has framed another question, propounded it to me, and desired my answer. It is as follows: "If the slaveholding citizens of a United States Territory should need and demand congressional legislation for the protection of their slave property in such Territory, would you, as a member of Congress, vote for or against such legislation?" I answer him that it is a fundamental article in the Democratic creed that there should be non-interference and non-intervention by Congress with slavery in the States or Territories. Mr. Lincoln could have found an answer to his question in the Cincinnati platform, if he had desired it. The Democratic party have always stood by that great principle of non-interference and non-intervention by Congress with slavery in the States or Territories alike, and I stand on that platform now.

Now I desire to call your attention to the fact that Lincoln did not define his own position in his own question. How does he stand on that question?

I ask you whether a man has any right, in common decency, to put questions, in these public discussions, to his opponent, which he will not answer himself when they are pressed home to him. I have asked him three times whether he would vote to admit Kansas whenever the people applied with a constitution of their own making and their own adoption, under circumstances that were fair, just, and unexceptionable, but I cannot get an answer from him. Nor will he answer the question

which he put to me, and which I have just answered, in relation to congressional interference in the Territories, by making a slave code there.

It is true that he goes on to answer the question by arguing that under the decision of the Supreme Court it is the duty of a man to vote for a slave code in the Territories. He says that it is his duty, under the decision that the court has made, and if he believes in that decision he would be a perjured man if he did not give the vote. I want to know whether he is not bound to a decision which is contrary to his opinions just as much as to one in accordance with his opinions. If the decision of the Supreme Court, the tribunal created by the Constitution to decide the question, is final and binding, is he not bound by it just as strongly as if he was for it instead of against it originally? Is every man in this land allowed to resist decisions he does not like, and only support those that meet his approval? What are important courts worth unless their decisions are binding on all good citizens? It is the fundamental principle of the judiciary that its decisions are final. It is created for that purpose, so that when you cannot agree among yourselves on a disputed point you appeal to the judicial tribunal, which steps in and decides for you, and that decision is then binding on every good citizen. It is the law of the land just as much with Mr. Lincoln against it as for it. And yet he says if that decision is binding he is a perjured man if he does not vote for the slave code in the different Territories of this Union. Well, if you [*turning to Mr. Lincoln*] are not going to resist the decision, if you obey it, and do not intend to array mob law against the constituted authorities, then according to your own statement you will be a perjured man if you do not vote to establish slavery in these Territories. My doctrine is, that even taking Mr. Lincoln's view that the decision recognizes the right of a man to carry his slaves into the Territories of the United States, if he pleases, yet after he gets there he needs affirmative law to make that right of any value. The same doctrine not only applies to slave property, but all other kinds of property. Chief Justice Taney places it upon the ground that slave property is on an equal footing with other property. Suppose one of your merchants should move to Kansas and open a liquor store; he has a right to take groceries and liquors there, but the mode of selling them, and the circumstances under which they shall be sold, and all the remedies, must be prescribed by local legislation, and if that is unfriendly it will drive him out just as effectually as if there was a constitutional provision

against the sale of liquor. So the absence of local legislation to encourage and support slave property in a Territory excludes it practically just as effectually as if there was a positive constitutional provision against it. Hence I assert that under the Dred Scott decision you cannot maintain slavery a day in a Territory where there are an unwilling people and unfriendly legislation. If the people are opposed to it, our right is barren, worthless, useless right; and if they are for it, they will support and encourage it. We come right back, therefore, to the practical question, if the people of a Territory want slavery they will have it, and if they do not want it you cannot force it on them. And this is the practical question, the great principle, upon which our institutions rest. I am willing to take the decision of the Supreme Court as it was pronounced by that august tribunal, without stopping to inquire whether I would have decided that way or not. I have had many a decision made against me on questions of law which I did not like, but I was bound by them just as much as if I had had a hand in making them and approved them. Did you ever see a lawyer or a client lose his case that he approved the decision of the court? They always think the decision unjust when it is given against them. In a government of laws like ours we must sustain the Constitution as our fathers made it, and maintain the rights of the States as they are guaranteed under the Constitution, and then we will have peace and harmony between the different States and sections of this glorious Union.

The remaining debates were held at Charleston, Galesburg, Quincy, and Alton. While many strong arguments were presented on old issues, and new issues even were started up, the historical importance of the controversy had culminated in Lincoln's securing from Douglas a statement and defence of his "Freeport Doctrine" of "unfriendly legislation" as a means of enforcing popular sovereignty while accepting the Dred Scott decision of the Supreme Court. For this declaration Lincoln had been playing from the beginning. In a letter to Henry Asbury, of July 31, 1858, he had written of Senator Douglas:

He cares nothing for the South; he knows he is already dead there. He only leans Southward more to keep the Buchanan party from growing in Illinois. You shall have hard work to get him directly to the point whether a territorial legislature

has or has not the power to exclude slavery. But if you succeed in bringing him to it—though he will be compelled to say it possesses no such power—he will instantly take ground that slavery cannot actually exist in the Territory unless the people desire it, and so give it protection by territorial legislation. If this offends the South, he will let it offend them, as at all events he means to hold on to his chances in Illinois.

At a conference of Republican leaders the night before the Freeport debate Lincoln announced his intention of forcing this declaration from Douglas. He was counseled not to do so, since the theory would be popular with the Illinois voters and would probably win the Senatorship for Douglas. Lincoln replied that the South would never accept the man who enunciated the doctrine as President. "I am after larger game," he said; "the battle of 1860 is worth a hundred of this."

Events fulfilled Lincoln's prophecy. The South accused Douglas of violating a bargain with it. Judah P. Benjamin, of Louisiana, said (in a speech in the Senate, May 22, 1860):

> We accuse him [Douglas] for this: to wit, that having bargained with us upon a point upon which we were at issue that it should be considered a judicial point; that he would abide by the decision; that he would act under the decision, and consider it a doctrine of the party; that, having said that to us here in the Senate, he went home, and under the stress of a local election his knees gave way; his whole person trembled. His adversary stood upon principle and was beaten; and lo! he is the candidate of a mighty party for the presidency of the United States. The Senator from Illinois faltered. He got the prize for which he faltered; but lo! the grand prize of his ambition to-day slips from his grasp because of his faltering in his former contest, and his success in the canvass for the Senate, purchased for an ignoble prize, has cost him the loss of the presidency of the United States.

In the election of State legislators which followed this debate the Republicans received a total majority of the votes cast, showing that Lincoln was the choice of the people for Senator. However, owing to a Democratic "gerrymander" of the State senatorial districts, a majority of Democrats were returned to the State Sen-

ate, and these returned Douglas to the national Senate.

Lincoln expected defeat and was thoroughly contented with the results of the contest, the chief of which, to his mind, were the assured defeat of Douglas for the next presidential nomination and the consequent division of the Democratic party into Northern and Southern factions, presaging the election of a Republican President. It was for this division that he had planned, even at the hazard of his own defeat.

Because of the opposition to him by Senator Benjamin and other Southern statesmen Senator Douglas made a speaking tour through the South to rebuild his political fences in that region. In a speech at Memphis, Tenn., in December, 1858, he declared:

"Whenever a Territory has a climate, soil, and production making it the interest of the inhabitants to encourage slave property, they will have a slave code," and where conditions are unfavorable for slavery they will prohibit it. The Almighty, he said, had drawn a line on this continent, on the one side of which the soil must be cultivated by slave labor; on the other by white labor. That line did not run inflexibly along the parallel of 36° 30′, the artificial boundary once established by law [in the Missouri compromise], but meandered through the border States and Territories where the self-interest of the inhabitants formed the natural means for its determination.

In a speech at Chicago, on March 1, 1859, Abraham Lincoln replied to this sentiment as follows:

### The Moral Climate Line

Abraham Lincoln

Suppose it is true that the Almighty has drawn a line across this continent, on the south side of which part of the people will hold the rest as slaves; that the Almighty ordered this; that it is right, unchangeably right, that men ought there to be held as slaves; that their fellowmen will always have the right to hold them as slaves. I ask you, this once admitted, how can you believe that it is not right for us, or for them coming here, to hold slaves on this other side of the line? Once we come to acknowledge that it is right, that it is the

law of the Eternal Being for slavery to exist on one side of that line, have we any sure ground to object to slaves being held on the other side? Once admit the position that a man rightfully holds another man as property on one side of the line, and you must, when it suits his convenience to come to the other side, admit that he has the same right to hold his property there. Once admit Judge Douglas's proposition, and we must all finally give way. Although we may not bring ourselves to the idea that it is to our interest to have slaves in this Northern country, we shall soon bring ourselves to admit that while we may not want them, if anyone else does, he has the moral right to have them. Step by step, south of the judge's moral climate line in the States, in the Territories everywhere, and then in all the States—it is thus that Judge Douglas would lead us inevitably to the nationalization of slavery. Whether by his doctrine of squatter sovereignity or by the ground taken by him in his recent speech in Memphis and through the South —that wherever the climate makes it the interest of the inhabitants to encourage slave property they will pass a slave code—whether it is covertly nationalized by congressional legislation, or by the Dred Scott decision, or by the sophistical and misleading doctrine he has last advanced, the same goal is inevitably reached by the one or the other device. It is only traveling to the same place by different roads.

It is in this direction lies all the danger that now exists to the great Republican cause. I take it that, so far as concerns forcibly establishing slavery in the Territories by congressional legislation, or by virtue of the Dred Scott decision, that day has passed. Our only serious danger is that we shall be led upon this ground of Judge Douglas, on the delusive assumption that it is a good way of whipping our opponents, when in fact it is a way that leads straight to final surrender. The Republican party should not dally with Judge Douglas when it knows where his proposition and his leadership would take us, nor be disposed to listen to it because it was best somewhere else to support somebody occupying his ground. That is no just reason why we ought to go over to Judge Douglas, as we were called upon to do last year.[1] Never forget that we have before us this whole matter of the right or wrong of slavery in this Union, though the immediate question is as to its spreading out into new Territories and States.

[1] Horace Greeley in his *New York Tribune* had advocated that the Republicans assist Douglas to return to the Senate in view of his opposition to the Administration.

# CHAPTER V

## "The Irrepressible Conflict"

Speech by Senator William H. Seward, at Rochester, N. Y., on "The Irrepressible Conflict"—Reply by Alfred Iverson [Ga.] in the Senate: "The Inevitable Dissolution of the Union."

IN the autumn of the same year [1858] in which Lincoln declared, in his "House Divided" speech, that the Union could not continue half free or half slave but must become either wholly free or wholly slave, Senator William H. Seward expressed the same thought in an incisive phrase, "the irrepressible conflict," which pierced to the quick through the calloused

THE UNION RAIL-SPLITTERS

[Lincoln and Seward Splitting the Union]

*From the collection of the New York Historical Society*

optimism of the North, arousing it to prepare for the coming struggle, and stung the sensitive South into infusing with unmistakable determination its time-worn threats of secession.

The phrase was uttered on October 25, at Rochester, N. Y., in a speech to which it gave title.

## The Irrepressible Conflict

### Senator Seward

Fellow citizens: The unmistakable outbreaks of zeal which occur all around me show that you are earnest men—and such a man am I. Let us, therefore, at least for the time, pass by all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party, or, to speak more accurately, the party which wears that attractive name, is in possession of the Federal Government. The Republicans propose to dislodge that party and dismiss it from its high trust.

The main subject, then, is whether the Democratic party desires to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actuated by prejudices against that party, or by prepossessions in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theater which exhibits in full operation two radically different political systems, the one resting on the basis of servile or slave labor, the other on the basis of voluntary labor of freemen.

The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is that labor in every society, by whomsoever performed, is necessarily unintellectual, groveling, and base; and that the laborer, equally for his own good and for the welfare of the state, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two and that once it was universal.

The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five

hundred years. The great melioration of human society which modern times exhibit is mainly due to the incomplete substitution of the system of voluntary labor for the old one of servile labor which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States and established civilization here. It was introduced on this new continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain, and Ireland. We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerant, unjust, and inhuman toward the laborer, whom, only because he is a laborer, it loads down with chains and converts into merchandise, but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it cannot enslave and convert him into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish, or droop and decline, in just the degree that they practice or neglect to practice the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of men, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources of defence, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free-labor system educates all alike, and, by opening all the fields of industrial employment and all the departments of authority to the unchecked and equal rivalry of all classes of men, at once secures universal contentment and brings into

the highest possible activity all the physical, moral, and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or a democracy.

Russia yet maintains slavery, and is a despotism. Most of the other European states have abolished slavery and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth. The two systems are at once perceived to be incongruous. But they are more than incongruous; they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility from the irreconcilable contrast between their great principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have already intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor; and already, despotic as they are, we find them engaged in abolishing slavery. In the United States slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey, and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined from Virginia, the Carolinas, and Georgia. Indeed, so incompatible are the two systems that every new State which is organized within our ever-extending domain makes its first political act a choice of the one and an exclusion of the other, even at the cost of civil war if necessary. The slave States, without law, at the last national election successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.

Hitherto the two systems have existed in different states, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their

very borders, together with a new and extended network of railroads and other avenues and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free-labor nation. Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromise between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that either the one or the other system must exclusively prevail.

Unlike too many of those who in modern times invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government and so to direct its activity that that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator,

however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservations which rendered it hypocritical and false. By the Ordinance of 1787 they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth, and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever. It is true that they necessarily and wisely modified this policy of freedom by leaving it to the several States, affected as they were by differing circumstances, to abolish slavery in their own way and at their own pleasure, instead of confiding that duty to Congress, and that they secured to the slave States, while yet retaining the system of slavery, a three-fifths representation of slaves in the Federal Government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position that the fathers knew that the two systems could not endure within the Union, and expected that within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two-thirds of the States might amend the Constitution.

It remains to say on this point only one word to guard against misapprehension. If these States are again to become universally slaveholding, I do not pretend to say with what violations of the Constitution that end shall be accomplished. On the other hand, while I do confidently believe and hope that my country will yet become a land of universal freedom, I do not expect that it will be made so otherwise than through the action of the several States coöperating with the Federal Government, and all acting in strict conformity with their respective constitutions.

The strife and contentions concerning slavery which gently disposed persons so habitually deprecate are nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.

It is not to be denied, however, that thus far the course of that contest has not been according to their humane anticipations and wishes. In the field of Federal politics, slavery, deriving unlooked-for advantages from commercial changes, and

energies unforeseen from the facilities of combination between members of the slaveholding class and between that class and other property classes, early rallied, and has at length made a stand, not merely to retain its original defensive position, but to extend its sway throughout the whole Union. It is certain that the slaveholding class of American citizens indulge this high ambition, and that they derive encouragement for it from the rapid and effective political successes which they have already obtained. The plan of operation is this: By continued appliances of patronage and threats of disunion they will keep a majority favorable to these designs in the Senate, where each State has an equal representation. Through that majority they will defeat, as they best can, the admission of free States and secure the admission of slave States. Under the protection of the judiciary, they will, on the principle of the Dred Scott case, carry slavery into all the Territories of the United States now existing and hereafter to be organized. By the action of the President and the Senate, using the treaty-making power, they will annex foreign slaveholding states. In a favorable conjuncture they will induce Congress to repeal the act of 1808, which prohibits the foreign slave trade, and so they will import from Africa, at the cost of only twenty dollars a head, slaves enough to fill up the interior of the continent. Thus relatively increasing the number of slave States, they will allow no amendment to the Constitution prejudicial to their interests; and so, having permanently established their power, they expect the Federal judiciary to nullify all State laws which shall interfere with internal or foreign commerce in slaves. When the free States shall be sufficiently demoralized to tolerate these designs they reasonably conclude that slavery will be accepted by those States themselves. I shall not stop to show how speedy or how complete would be the ruin which the accomplishment of these slaveholding schemes would bring upon the country. For one, I should not remain in the country to test the sad experiment. Having spent my manhood, though not my whole life, in a free State, no aristocracy of any kind, much less an aristocracy of slaveholders, shall ever make the laws of the land in which I shall be content to live. Having seen the society around me universally engaged in agriculture, manufactures, and trade which were innocent and beneficent, I shall never be a denizen of a State where men and women are reared as cattle and are bought and sold as merchandise. When that evil day shall come, and all further effort at resistance shall be impossible, then, if there shall remain no bet-

ter hope for redemption than I can now foresee, I shall say with Benjamin Franklin, while looking abroad over the whole earth for a new and congenial home: "Where liberty dwells, there is my country."

You will tell me that these fears are extravagant and chimerical. I answer they are so; but they are so only because the designs of the slaveholders must and can be defeated. But it is only the possibility of defeat that renders them so. They cannot be defeated by inactivity. There is no escape from them, compatible with non-resistance. How, then, and in what way shall the necessary resistance be made? There is only one way. The Democratic party must be permanently dislodged from the Government. The reason is that the Democratic party is inextricably committed to the designs of the slaveholders which I have described. Let me be well understood. I do not charge that the Democratic candidates for public office now before the people are pledged to, much less that the Democratic masses who support them really adopt, those atrocious and dangerous designs. Candidates may, and generally do, mean to act justly, wisely, and patriotically when they shall be elected; but they become the ministers and servants, not the dictators, of the power which elects them. The policy which a party shall pursue at a future period is only gradually developed, depending on the occurrence of events never fully foreknown. The motives of men, whether acting as electors or in any other capacity, are generally pure. Nevertheless, it is not more true that "Hell is paved with good intentions" than it is that earth is covered with wrecks resulting from innocent and amiable motives.

The very constitution of the Democratic party commits it to execute all the designs of the slaveholders, whatever they may be. It is not a party of the whole Union, of all the free States, and of all the slave States; nor yet is it a party of the free States in the North and in the Northwest; but it is a sectional and local party, having practically its seat within the slave States, and counting its constituency chiefly and almost exclusively there. Of all its representatives in Congress and in the Electoral College, two-thirds uniformly come from these States. Its great element of strength lies in the vote of the slaveholders, augmented by the representation of three-fifths of the slaves. Deprive the Democratic party of this strength and it would be a helpless and hopeless minority, incapable of continued organization. The Democratic party, being thus local and sectional, acquires new strength from the admission of

every new slave State, and loses relatively by the admission of every new free State in the Union.

A party is, in one sense, a joint stock association, in which those who contribute most direct the action and management of the concern. The slaveholders contributing in an overwhelming proportion to the capital strength of the Democratic party, they necessarily dictate and prescribe its policy. The inevitable caucus system enables them to do so with a show of fairness and justice. If it were possible to conceive for a moment that the Democratic party should disobey the behests of the slaveholders, we should then see a withdrawal of the slaveholders which would leave the party to perish. The portion of the party which is found in the free States is a mere appendage, convenient to modify its sectional character without impairing its sectional constitution, and is less effective in regulating its movement than the nebulous tail of the comet is in determining the appointed though apparently eccentric course of the fiery sphere from which it emanates.

To expect the Democratic party to resist slavery and favor freedom is as unreasonable as to look for Protestant missionaries to the Catholic Propaganda of Rome. The history of the Democratic party commits it to the policy of slavery. It has been the Democratic party, and no other agency, which has carried that policy up to its present alarming culmination.

The speaker here reviewed the history of the present Democratic party from its origin in the "Era of Good Feeling" (Monroe's Administration) to the repeal of the Missouri Compromise (1854), showing its consistent and increasing devotion to the cause of slavery.

In 1856, when the people of Kansas had organized a new State within the region thus abandoned to slavery, and applied to be admitted as a free State into the Union, the Democratic party contemptuously rejected their petition and drove them with menaces and intimidations from the halls of Congress, and armed the President with military power to enforce their submission to a slave code, established over them by fraud and usurpation. At every subsequent stage of the long contest which has since raged in Kansas, the Democratic party has lent its sympathies, its aid, and all the powers of the Government which it controlled, to enforce slavery upon that unwilling and injured people. And now, even at this day, while it mocks us with the assurance that Kansas is free, the Democratic party keeps

the State excluded from her just and proper place in the Union, under the hope that she may be dragooned into the acceptance of slavery.

The Democratic party, finally, has procured from a supreme judiciary, fixed in its interest, a decree that slavery exists by force of the Constitution in every Territory of the United States, paramount to all legislative authority either within the Territory or residing in Congress.

Such is the Democratic party. It has no policy, State or Federal, for finance, or trade, or manufacture, or commerce, or education, or internal improvements, or for the protection or even the security of civil or religious liberty. It is positive and uncompromising in the interest of slavery—negative, compromising, and vacillating, in regard to everything else. It boasts its love of equality and wastes its strength, and even its life, in fortifying the only aristocracy known in the land. It professes fraternity, and, so often as slavery requires, allies itself with proscription. It magnifies itself for conquests in foreign lands, but it sends the national eagle forth always with chains, and not the olive branch, in his fangs.

This dark record shows you, fellow citizens, what I was unwilling to announce at an earlier stage of this argument, that, of the whole nefarious schedule of slaveholding designs which I have submitted to you, the Democratic party has left only one yet to be consummated—the abrogation of the law which forbids the African slave trade.

Now, I know very well that the Democratic party has at every stage of these proceedings disavowed the motive and the policy of fortifying and extending slavery, and has excused them on entirely different and more plausible grounds. But the inconsistency and frivolity of these pleas prove still more conclusively the guilt I charge upon that party. It must, indeed, try to excuse such guilt before mankind, and even to the consciences of its own adherents. There is an instinctive abhorrence of slavery, and an inborn and inhering love of freedom in the human heart, which renders palliation of such gross misconduct indispensable. It disfranchised the free African on the ground of a fear that, if left to enjoy the right of suffrage, he might seduce the free white citizen into amalgamation with his wronged and despised race. It denies emancipation in the District of Columbia, even with compensation to masters and the consent of the people, on the ground of an implied constitutional inhibition, although the Constitution expressly confers upon Congress sovereign legislative power in that district, and

although the Democratic party is tenacious of the principle of strict construction. It violated the express provisions of the Constitution in suppressing petition and debate on the subject of slavery, through fear of disturbance of the public harmony, although it claims that the electors have a right to instruct their representatives, and even demand their resignation in cases of contumacy. It extended slavery over Texas, and connived at the attempt to spread it across the Mexican territories, even to the shores of the Pacific Ocean, under a plea of enlarging the area of freedom. It abrogated the Mexican slave law and the Missouri compromise prohibition of slavery in Kansas, not to open the new Territories to slavery, but to try therein the new and fascinating theories of non-intervention and popular sovereignty; and, finally, it overthrew both these new and elegant systems by the English Lecompton bill and the Dred Scott decision, on the ground that the free States ought not to enter the Union without a population equal to the representative basis of one member of Congress, although slave States might come in without inspection as to their numbers.

Will any member of the Democratic party now here claim that the authorities chosen by the suffrages of the party transcended their partizan platforms, and so misrepresented the party in the various transactions I have recited? Then I ask him to name one Democratic statesman or legislator, from Van Buren to Walker, who either timidly or cautiously, like them, or boldly or defiantly, like Douglas, ever refused to execute a behest of the slaveholders, and was not therefor, and for no other cause, immediately denounced, and deposed from his trust, and repudiated by the Democratic party for that contumacy.

I think, fellow citizens, that I have shown you that it is high time for the friends of freedom to rush to the rescue of the Constitution, and that their very first duty is to dismiss the Democratic party from the administration of the Government.

Why shall it not be done? All agree that it ought to be done. What, then, shall prevent its being done? Nothing but timidity or division of the opponents of the Democratic party.

Some of these opponents start one objection and some another. Let us notice these objections briefly. One class say that they cannot trust the Republican party; that it has not avowed its hostility to slavery boldly enough or its affection for freedom earnestly enough.

I ask in reply: Is there any other party which can be

more safely trusted? Everyone knows that it is the Republican party or none that shall displace the Democratic party. But I answer further that the character and fidelity of any party are determined, necessarily, not by its pledges, programs, and platforms, but by the public exigencies and the temper of the people when they call it into activity. Subserviency to slavery is a law written not only on the forehead of the Democratic party, but also in its very soul—so resistance to slavery and devotion to freedom, the popular elements now actively working for the Republican party among the people, must and will be the resources for its ever-renewing strength and constant invigoration.

Others cannot support the Republican party because it has not sufficiently exposed its platform and determined what it will do and what it will not do when triumphant. It may prove too progressive for some and too conservative for others. As if any party ever foresaw so clearly the course of future events as to plan a universal scheme for future action, adapted to all possible emergencies. Who would ever have joined even the Whig party of the Revolution if it had been obliged to answer in 1775 whether it would declare for independence in 1776, and for this noble Federal Constitution of ours in 1787, and not a year earlier or later?

The people of the United States will be as wise next year, and the year afterward, and even ten years hence, as we are now. They will oblige the Republican party to act as the public welfare and the interests of justice and humanity shall require, through all the stages of its career, whether of trial or triumph.

Others will not venture an effort because they feel that the Union would not endure the change. Will such objectors tell me how long a Constitution can bear a strain directly along the fibers of which it is composed? This is a Constitution of freedom. It is being converted into a Constitution of slavery. It is a republican Constitution. It is being made an aristocratic one. Others wish to wait until some collateral questions concerning temperance or the exercise of the elective franchise are properly settled. Let me ask all such persons whether time enough has not been wasted on these points already without gaining any other than this single advantage, namely, the discovery that only one thing can be effectually done at one time, and that the one thing which must and will be done at any one time is just that thing which is most urgent and will no longer admit of postponement or delay. Finally we are told by

faint-hearted men that they despond; the Democratic party, they say, is unconquerable, and the dominion of slavery is consequently inevitable. I reply to them that the complete and universal dominion of slavery would be intolerable enough when it should have come after the last possible effort to escape should have been made. There would, in that case, be left to us the consoling reflection of fidelity to duty.

But I reply, further, that I know—few, I think, know better than I—the resources and energies of the Democratic party, which is identical with the slave power. I do ample justice to its traditional popularity. I know further—few, I think, know better than I—the difficulties and disadvantages of organizing a new political force like the Republican party, and the obstacles it must encounter in laboring without prestige and without patronage. But, notwithstanding all this, I know that the Democratic party must go down and that the Republican party must rise into its place. The Democratic party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men. So long as it practiced this principle faithfully, it was invulnerable. It became vulnerable when it renounced the principle, and since that time it has maintained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practice the life-inspiring principles which the Democratic party had surrendered. At last the Republican party has appeared. It avows now, as the Republican party of 1800 did, in one word, its faith and its works: "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that idea is a noble one—an idea that fills and expands all generous souls; the idea of equality, the equality of all men before human tribunals and human laws, as they are all equal before the Divine tribunal and Divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and opinions and principles of

THE IRREPRESSIBLE CONFLICT''

[The Republican party throwing Seward overboard]

*From the collection of the New York Public Library*

freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the Government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever.

The question of constructing a railroad to the Pacific Ocean exclusively through the Northern States came up during the next session of Congress, and, in opposing this project as a sectional one, Senator Alfred Iverson [Ga.] on January 6, 1859, referred to the "irrepressible conflict" between the North and South as certain to lead to the dissolution of the Union and the formation of a Southern Confederacy.

## The Inevitable Dissolution of the Union

### Senator Iverson

Speaking of the Union, sir, I take occasion to say that there is another reason connected with it which makes me object to any bill, the provisions of which will secure the Government aid in the construction of a railroad to the Pacific, exclusively confined to the Northern States. Sir, I believe that the time will come when the slave States will be compelled, in vindication of their rights, interests, and honor, to separate from the free States, and erect an independent confederacy; and I am not sure, sir, that the time is not near at hand when that event will occur. At all events, I am satisfied that one of two things is *inevitable;* either that the slave States must surrender their peculiar institutions or separate from the North. I do not intend, on this occasion, to enter into an elaborate or prolonged discussion of this proposition. I content myself with expressing my firm belief and a brief allusion to the foundation of that opinion. It is unnecessary to look back to the commencement of the anti-slavery agitation in the Northern States and to trace its regular and rapid growth to its present monstrous proportions.

I remember twenty-five years ago, when petitions were first

presented to Congress for the abolition of slavery in the District of Columbia; it was the beginning of the agitation and was limited to a few deluded religious fanatics among the men and some of the weaker sex of the New England States. It nevertheless aroused the fears and excited the angry feelings of many of the Southern people; it produced much discussion in Congress and among the newspaper press of the Southern States. Many expressed their belief that it was the beginning of a storm which was to sweep over the free States, carrying everything before it; but they were met with the siren song which the distinguished Senator from South Carolina [James H. Hammond] has recently so eloquently poured forth, "there is no danger; slavery is too strong to be overturned; let the sound, conservative mind and heart of the North be appealed to, and all will be right; our friends there will protect us." Behold the result in the late elections! With the bold, undisguised declaration of hostility to slavery at the South, as enunciated by the great leader of its enemes at Rochester, with his loud-sounding pronunciamento of "down with the accursed thing"; with the bloody flag of anti-slavery unfurled, and "war to the knife" written upon its folds, there is not at this day a majority of true, conservative friends of the rights of the South in a single free State of this Union this side of the Rocky Mountains. The demon of abolition, in his most hideous shape, has covered them all over with the footprints of his onward and remorseless march to power.

Sir, he knows but little of the workings of human nature who supposes that the spirit of anti-slavery fanaticism which now pervades the Northern heart will stop short of its favorite and final end and aim—the universal emancipation of slavery in the United States by the operation and action of the Federal Government. When Mr. Wilberforce began the agitation of his scheme of emancipation in the British West India Islands there was not a corporal's guard in both Houses of the British Parliament who sympathized with him or approved the movement; and yet, in less than a quarter of a century, all England became abolitionized, and perpetrated, by a decree in Parliament, one of the most arbitrary and outrageous violations of private rights which was ever inflicted by despotic power upon peaceful and loyal subjects. And so it will be in this country. The same spirit which brought about emancipation in the British islands will produce it here whenever the power is obtained to pass and to enforce its decrees. When the present Republican party, or its legitimate successors in some other name, shall get

possession of the Government; when it has the President, both Houses of Congress, and the judiciary, what will stay its hand? It cannot stand still; if it does, it dies. To live and reign, it must go on. Step by step it will be driven onward in its mad career until either slavery is abolished or the Union is dissolved. One of these two things is as inevitable as death.

I know that there are men even in the South who, like the distinguished Senator from South Carolina, argue that slavery is stronger and safer now in the Union than it ever has been—that the South, by unity and concert, can always combine with a party at the North sufficiently strong to carry the elections and control the action of the Federal Government. In my opinion, there never was a greater mistake. Suppose the election of President were to come off at this time, and all the Southern States, including even Maryland, were united upon a candidate: how many free States would he carry? Perhaps California, and Oregon if she is admitted; but not another State. The recent elections show clearly that the Abolitionists have not only a decided but an overwhelming majority in every free State on the Atlantic slope. In all the late elections, conservative and sound Democracy, the only element sympathizing with the South, has not carried a single free State. I do not consider the triumph of the distinguished Senator from Illinois [Mr. Douglas] as a victory of sound Democracy. It was a victory of Free-Soil Democracy over Abolition Whiggery, and no more; and I would not give a copper for the difference. So far as the South and her constitutional rights are concerned, it was a victory over her and over them. I would not turn on my heel for choice between the Wilmot proviso and the squatter-sovereignty doctrine and policy of the Senator from Illinois. Indeed, sir, if I was driven to select between them, I would take the former. It is open, manly, and decisive; it settles the question at once by debarring the Southern people, in terms, from entering the Territories with their slave property; it is an open and undisguised denial of right to the South, which the South could resist or submit to, as her sense of honor or her policy might dictate, while the squatter-sovereignty doctrine and practice, as defined by its distinguished advocate, is plausible, delusive, deceptive, and fatal. No man of common sense can suppose that under it the South will ever obtain another foot of territory or add another slave State to this Union. Both are political heresies, finding no authority in the Constitution; equally violative of the rights of the Southern people, subversive of their equality

in the Union, and an insult to their honor, which, in my opinion, alike demand their reprobation and resistance.

The people of the Southern States, as coequals in the Union, and as joint and equal owners of the public territory, have the right to emigrate to these Territories with their slave property, and to the protection and the enjoyment of that property by law during the existence of the territorial government; laws passed by Congress as the trustee and common head of the joint property—head of all the States and all the people of the States in the public territory; laws recognizing the equal right of every citizen to go in and possess and enjoy the common inheritance; laws, not to deprive men of property, but to regulate and secure its enjoyment; laws to put every man in the United States upon an equal footing in the exercise of a great constitutional right. This, sir, is what we of the South are entitled to at the hands of a common Government; and we ought not to be content with less or submit to a denial of it. I am free to declare here that, if I had the control of the Southern people, I would demand this of Congress at the organization of every territorial government as the terms upon which the South should remain in the Union. I would hold our "right" in one hand and "separation" in the other, and leave the North to choose between them. If you would do us justice, I would live with you in peace; if you denied us justice, I would not live with you another day.

Sir, abolition is advancing with rapid strides to the accomplishment of its great end, the universal emancipation of slavery in the United States. The distinguished Senator from New York [Mr. Seward], when he uttered his anathemas and ushered forth his declaration of war against Southern slavery at Rochester, understood well the feeling which sways, and is likely to sway, the masses in the Northern States upon this important and exciting subject. The North intends to put down slavery at the South, "peaceably if they can, forcibly if they must." It is true the Senator from New York, the great embodiment of this abolition sentiment and will, has very kindly and condescendingly told the world that this great end and object are to be accomplished by *"constitutional means!"* What fool does not understand that? A majority party, controlling all the branches of the Government, and bent upon an object, would have no difficulty in finding a grant of power in the Constitution for the accomplishment of any object. What better authority would they want than the power given to Congress to "provide for the general welfare" of the United States? Slav-

ery, they say, is a great curse, a political, moral, and social evil; a dark and damning stain upon the national escutcheon; a blight upon its prosperity; a great and growing injury even to individuals and States who tolerate it. The national welfare demands its extinguishment, and Congress may and must do it. Here is the grant and here the necessity and occasion of its exercise. What is to deter or hinder? The union of the Southern people in presidential elections? That is the almighty panacea of some gentlemen. Such an idea is not folly only—it is treason against the South. The constitutional power will soon be found; there are more clauses than one which would justify such a proceeding upon the part of a bold and reckless majority. I have heard that John Quincy Adams once said, in a speech delivered in the House of Representatives, that there were so many clauses in the Constitution open to construction that he could drive a four-horse wagon and team through forty places in it, and find authority in each to abolish slavery in the Southern States; and so, sir, when the Republican party obtains the possession and control of the Government—President, Congress, Supreme Court—and shall feel secure of its power and confident of success, there will not only be no constitutional barrier to stay its hand, but abundant authority will be found in the Constitution, *as it is,* to justify any measure its wisdom or its folly may prompt it to adopt.

Sir, there is but one path of safety for the institution of slavery in the South, when this mighty Northern avalanche of fanaticism and folly shall press upon us, and that path lies through separation and to a Southern confederacy. This is the great ultimate security for the rights, honor, and prosperity of the South. Sir, there are even now thousands of her sons who believe that the slave States, formed into a separate confederacy and united under such a government as experience and wisdom would dictate, would combine elements of more political power, national prosperity, social security, and individual happiness than any nation of ancient or modern times; and, sir, I am among the number. This is not the time or place to enter upon the discussion of this proposition; if it were, the demonstration of its truth would be easy and irresistible. But whether this be so or not—whether the Southern States would be better off in a separate confederacy or in the present Union, one thing is certain, and that is that *no Union* or *no slavery* will sooner or later be forced upon the choice of the Southern people. I do not say, sir, how or when the South will decide the question, but I will say that there is a large and growing

party in many, if not in all, of the Southern States in favor of separation *now* for causes already existing, as an object both of necessity and political expediency. Ten years ago and scarcely a voice could be heard in all the South calculating the value of the Union. Now their name is legion. As, at each recurring and returning crisis of agitation, the strength of the Abolition party increases at the North, so does the spirit of disunion increase at the South, and its advocates become more confident and defiant.

I venture the opinion that in my own State, so well convinced are the great mass of the people of all parties that the anti-slavery agitation is not to cease until the institution is destroyed, if the question was now put whether the Southern States in a body should separate and form a Southern confederacy, a majority would vote for the proposition. I do not say, sir, that Georgia would secede alone, or together with a few of the other States, or with any number less than the whole; but I verily believe that, if the separation of all of them in a body depended upon the voice of Georgia, that voice would boldly and promptly speak out—separation! I do not say, sir, that this sentiment would be unanimous; I know there are many who are conscientiously of opinion that the Union is the greatest political good; many for whom the Union has irresistible charms; many who would oppose separation from a dread of consequences; and some, from interested motives, would cling to the powers that be and the things that are; they would say, let us trust still longer to the conservative feeling of the North; let us appeal to their patriotism or to their interests; let us give them a Pacific railroad; let us give them high protective tariffs; let us vote millions of the public money to clean out their rivers and improve their harbors; let us feed them and fatten them and gorge them out of the public crib, until, like young vultures, they vomit in our faces; let us smother their fanaticism with masses of gold and silver; and then, perhaps, they will let us keep our *niggers!* But, sir, these are not my sentiments, nor do I believe they are the sentiments or the arguments of the great body of the people of my State. The majority already believe that Northern aggression has gone far enough and ought not to be allowed to go further; they believe that Southern rights and honor out of the Union are better than dishonor within it; they believe that slavery without the Union is better than the Union without slavery; and they are prepared, at the very next act of aggression from the North, to resist, even to the "disruption of all the ties which bind

them to the Union." Nor do I believe, sir, that the people of Georgia or of the South will be disposed to wait for an overt act of aggression upon the rights, honor, or interests of the Southern States.

The election of a Northern President, upon a sectional and anti-slavery issue, will be considered cause enough to justify secession. Let the Senator from New York [Mr. Seward], or any other man avowing the sentiments and policy enunciated by him in his Rochester speech, be elected President of the United States, and, in my opinion, there are more than one of the Southern States that would take immediate steps toward separation. And, sir, I am free to declare here, in the Senate, that whenever such an event shall occur, for one, I shall be for disunion, and shall, if alive, exert all the powers I may have in urging upon the people of my State the necessity and propriety of an immediate separation.

Whenever any one of the Southern States shall secede in vindication of her rights and honor, to protect her peculiar institution from the ruthless assaults of an anti-slavery majority in Congress, and an attempt be made to force her back into the Union, or enforce the decrees of an arbitrary and unfriendly Government, her surrounding sister States, sympathizing with her in her bold and manly struggle for liberty and the right, would not hesitate for a moment to come to her relief and join her in the assertion of an honorable independence and the formation of another and better Union. Such a movement would necessarily result either in the formation of a confederacy of all the slave States or to amendments of the present Constitution, placing their rights and equality upon a firmer and better basis than at present, as the condition upon which the seceding State or States would reunite with her former sisters. To attempt to force a seceding State back into the Union, with the surrounding States sympathizing with the feelings and causes which impelled her to secede, and interested in all that concerned her honor, her rights, and her independence, would be the veriest act of folly and madness which ever influenced or controlled a weak or wicked government. No, sir; the ties of this Union once broken and there would be but one basis on which they could ever be reformed—*concession from the North; security for the South.*

## CHAPTER VI

### John Brown's Attack on Harper's Ferry

John Brown Brings Fugitive Slaves to Canada and There Organizes a Band to Make War on Slaveholders and Their Sympathizers—The Band Seizes the Federal Armory at Harper's Ferry, Va.—It Is Captured by Virginia Militia—John Brown Is Sentenced to Death—His Defence of His Act—His Letter to His Wife—His Execution—Meetings of Sympathy in the North—"Union Meetings" in the North Denunciatory of Him and His Act—Speech of Charles O'Conor in New York: "Slavery Is Right!"—James M. Mason [Va.] Introduces in the Senate a Resolution to Investigate the Attack on Harper's Ferry—Lyman Trumbull [Ill.] Moves as an Amendment to Investigate Also the Robbery in 1855 of the Federal Arsenal in Liberty, Mo., by Pro-Slavery Men—Debate on the Motion and Amendment: Democratic Speakers, Senator Mason, Robert M. T. Hunter [Va.], Jefferson Davis [Miss.], John J. Crittenden [Ky.], Albert G. Brown [Miss.], Alfred Iverson [Ga.]; Republican Speakers, Senator Trumbull, John P. Hale [N. H.], Henry Wilson [Mass.], William P. Fessenden [Me.], Zachariah Chandler [Mich.]—Amendment Is Defeated and Resolution Carried—President Buchanan's Annual Message—It Treats of Harper's Ferry, the Dred Scott Decision, and the Slave Trade.

JOHN BROWN, the leader of the militant Free State men in the Kansas troubles, had fled the Territory when a reward for his arrest was offered by Governor of Missouri and President Buchanan. Taking with him seven companions, three of whom were slaves he had taken from their owners in Missouri, with their wives and children, he departed from Lawrence for the East early in January, 1859. Pursued by 42 mounted pro-slavery men, he turned upon them and put them to flight, capturing four of them, whom he released after five days, during which he had compelled them to pray night and morning. Brown was joined shortly after this "Battle of the Spurs," as the encounter was called, by his lieutenant, J. H. Kagi, with forty mounted men, seventeen of whom escorted him to Nebraska City.

Thence he crossed the Mississippi into Iowa and proceeded to Detroit, where he arrived on March 12. He crossed at once into Canada with the negroes of his party, who quickly established themselves as free laborers.

At Chatham, Canada West, on May 8, Brown gathered in a negro church a company of Abolitionists who adopted a "Provisional Constitution and Ordinances for the People of the United States," the preamble of which was as follows:

> Whereas, Slavery, throughout its entire existence in the United States, is none other than the most barbarous, unprovoked, and unjustifiable war of one portion of its citizens against another portion, the only conditions of which are perpetual imprisonment and hopeless servitude, or absolute extermination, in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence:
>
> Therefore, We, the citizens of the United States and the oppressed people, who, by a recent decision of the Supreme Court, are declared to have no rights which the white man is bound to respect, together with all the other people degraded by the laws thereof, do, for the time being, ordain and establish for ourselves the following Provisional Constitution and ordinances, the better to protect our people, property, lives, and liberties and to govern our actions.

This constitution organized all men and women who accepted it, whether bond or free, together with their children, into a band who, holding all property in common for the good of the cause, were authorized to confiscate the entire personal and real property of slaveholders and of those who acted either directly or indirectly with them whether these were in the free or slave States. The final article read:

> The foregoing articles shall not be construed so as in any way to encourage the overthrow of any State government or of the general Government of the United States, and look to no dissolution of the Union, but simply to amendment and repeal; and our flag shall be the same that our fathers fought under in the Revolution.

John Brown was chosen Commander-in-Chief; J. H.

Kagi, Secretary of War; Owen Brown (son of John Brown) Treasurer; and Richard Realf (who was a man of literary attainments, writing poetry of the highest lyric order) Secretary of State.

Brown went to Cleveland, O., on March 20, and advertised two horses for sale, notifying intending purchasers that he had taken them along with the slaves from their owners, in order to facilitate the escape of the negroes. Despite this warning the horses brought an excellent price.

From Cleveland Brown journeyed eastward, visiting his family in Essex County, N. Y., and contracting for 1,000 pikes in Collinsville, Conn. On June 30, he and two of his sons turned up in the neighborhood of Harper's Ferry in the guise of wool-growers from western New York prospecting for a farm in a milder climate.

Now Harper's Ferry was the seat of a national armory.

After looking over the ground for several days, the Browns rented a large farm with three houses six miles from the village. From time to time other persons joined them, women as well as men, but, as they paid cash for everything, they were not regarded with suspicion by their neighbors. They seemed to spend their time chiefly in hunting, although it was remarked afterwards that they returned from their excursions with no game. Really they were occupied in spying out the country by day, and bringing in arms and ammunition by night.

On Sunday evening, October 17, John Brown and his men, twenty-three in number, seized the armory and the railroad bridge over the Potomac. Visiting the houses of Col. John A. Washington, proprietor of Mount Vernon, and a Mr. Alstadtt in the vicinity, they took these gentlemen, together with their slaves, who were told they were free, and put them in the armory. Other citizens were captured and confined in the same place. In the morning the village, railroad and armory were completely dominated by armed sentinels, who answered the question of by what authority they had seized civil and national property with a phrase, "By the authority

of God Almighty!'' which is reminiscent of Ethan Allen.

The trains which were turned back at the bridge bore the news to nearby telegraph stations, and forces of Virginia militia were soon on their way to the seat of insurrection. Brown's first plan had been to escape to the mountains with the arms and ammunition of the armory, but he later decided to make a stand at Harper's Ferry, trusting that the slaves would rise and flock to his standard. In this he was disappointed, not a negro joining him.

The armory was taken by the militia on October 18 at 7 a. m., after a stubborn resistance on the part of the Abolitionists, but four of whom were taken, the others who had not been killed in the assault making their escape. Among the prisoners was John Brown, who was knocked down with a saber blow in the face and twice run through the body with a bayonet while prostrated. Both of his sons were killed. The four prisoners were quickly tried at Charlestown, the county seat, and on November 1 were sentenced to be hanged. When asked if he had anything to say why sentence should not be passed upon him Brown replied:

In the first place, I deny everything but what I have all along admitted—the design on my part to free the slaves. I intended certainly to have made a clean thing of that matter, as I did last winter, when I went into Missouri and there took slaves without the snapping of a gun on either side, moved them through the country, and finally left them in Canada. I designed to have done the same thing again on a larger scale. That was all I intended. I never did intend murder, or treason, or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection.

Had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends, either father, mother, brother, sister, wife, or children, or any of that class, and suffered and sacrificed what I have in this interference, it would have been all right, and every man in this court would have deemed it an act worthy of reward rather than punishment.

This court acknowledges, as I suppose, the validity of the Law of God. I see a book kissed here which I suppose to be the Bible, or, at least, the New Testament. That teaches me

that all things "whatsoever I would that men should do unto me, I should do even so to them." It teaches me, further, to "remember those that are in bonds as bound with them." I endeavored to act upon that instruction. I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done, as I have always freely admitted I have done, in behalf of His despised poor was not wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children, and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments—I submit: so let it be done.

I feel entirely satisfied with the treatment I have received on my trial. Considering all the circumstances, it has been more generous than I expected.

His letter to his family, written a week after his sentence to death, is as follows:

I am quite cheerful, having (as I trust) the peace of God, which "passeth all understanding," to "rule in my heart," and the testimony (in some degree) of a good conscience that I have not lived altogether in vain. I can trust God with both the time and the manner of my death, believing, as I now do, that for me at this time to seal my testimony (for God and humanity) with my blood will do vastly more toward advancing the cause I have earnestly endeavored to promote than all I have done in my life before. I beg of you all meekly and quietly to submit to this; not feeling yourselves in the least *degraded* on that account. Remember, dear wife and children all, that Jesus of Nazareth suffered a most excruciating death on the cross as a felon, under the most aggravating circumstances. May God Almighty comfort all your hearts and soon wipe away all tears from your eyes. Think, too, of the crushed millions who "have no comforter." I charge you all never (in your trials to forget the griefs of "the poor that cry and of those that have none to help them." I wrote most earnestly to my dear and afflicted wife not to come on. First, it would use up all the scanty means she has, or is at all likely to have, to make herself and children comfortable hereafter. For let me tell you that the sympathy that is now aroused in your behalf may not always follow you. There is but little more of the romantic about helping poor widows and their children than there is about trying to relieve poor "niggers." Again, the

little comfort it might afford is to meet again would be dearly bought by the pains of a final separation. If she come on here, she must be only a gazing-stock throughout the whole journey, to be remarked upon in every look, word, and action, and by all sorts of creatures, and by all sorts of papers throughout the whole country. O Mary, do not come; but patiently wait for the meeting (of those who love God and their fellowmen) where no separation must follow. "They shall go no more out forever."

Nevertheless, Mrs. Brown went to Harper's Ferry, and, overcoming many obstacles, was finally permitted to spend a few hours in her husband's cell, and to take supper with him a short time before his death. The clergy of the neighborhood tendered him the solace of religion after their fashion, but their ministrations he civilly, but firmly, declined, since he could not recognize any one who justified or palliated slavery as a minister of the God he worshipped, or the Savior in whom he trusted. To one of them, who sought to reconcile slavery with Christianity, he said:

"My dear Sir, you will have to learn the A B Cs in the lesson of Christianity, as I find you entirely ignorant of the meaning of the word. I, of course, respect you as a gentleman; but it is as a *heathen* gentleman."

On the day of the execution (December 2), Brown rose at dawn and wrote until ordered out to execution. In his last statement he said: "I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood." He walked to the gallows between files of militia, 3,000 of whom had been assembled to prevent any attempt at rescue. As he came out of the jail a negress, with her little child in her arms, stood by the door. Brown stopped a moment, kissed the child, and, without a word, passed on. Being asked on the way if he felt any fear he replied: "It has been a characteristic of me from infancy not to suffer from physical fear. I have suffered a thousand times more from bashfulness." Arrived at the gallows he remarked the absence of civilians, the presence of troops alone having been permitted. "That ought

JOHN BROWN EXHIBITING HIS HANGMAN

[Published in 1865, after the capture of Jefferson Davis]

*From the collection of the New York Historical Society*

not to be," he said; "citizens should be allowed to be present as well as others."

After being kept standing on the scaffold for some time while the troops were deployed about it, the trap was sprung, but the fall was so short that it was more than half an hour before the body ceased struggling and life was pronounced extinct. His body was conveyed by his widow to their home in New York State, and there buried. In later years a simple monument was placed above the grave.

On the day of Brown's execution funeral bells were tolled and divine services were held in hundreds of Northern towns. On the other hand a number of "Union meetings" were held in the North shortly after the execution, in which the South was assured that the conservative men of the North repudiated the act of Brown and abhorred the fanatical Abolition spirit of which it was a logical, though fearful, result. One such meeting was held in New York on December 19, at which the first and chief speaker was Charles O'Conor, a distinguished lawyer. Sweeping aside all the familiar constitutional arguments, pro and con, on the slavery question as Brown had done, he based the issue on the morality of slavery—on which, however, he took the opposite side from that of the Abolitionist whose acts in accord with his view had brought him to the gallows.

## "Slavery Is Right"

### Charles O'Conor

Is negro slavery unjust? That is the point to which this great argument, involving the fate of our Union, must now come. Is negro slavery unjust? If it violates that great rule of human conduct, "Render to every man his due," it is unjust. If it violates the law of God, which says, "Love thy neighbor as thyself," it is unjust. And, gentlemen, if it could be maintained that negro slavery is thus in conflict with the law of nature and the law of God, I might be prepared—perhaps we should all be prepared—to go with a distinguished man [Senator William H. Seward] and say there is a "higher law"

which compels us to disregard the Constitution and trample it beneath our feet as a wicked and unholy compact. . . .

I insist that negro slavery is not unjust. [*Cries of "Bravo!"*] It is not only not unjust, but it is just, wise, and beneficent. [*Applause and loud hisses. Cries of "Bravo!" and disorder.*] . . . I maintain that negro slavery is not unjust [*Cheers*], but that it is benign in its influences on the white man and the black. . . . We must no longer favor political leaders who talk about slavery being an evil; nor must we advance the indefensible doctrine that negro slavery is a thing which, although pernicious, is to be tolerated merely because we have made a bargain to tolerate it. . . . Yielding to the decree of nature and the voice of sound philosophy, we must pronounce the institution just, beneficent, lawful, and proper. . . . The negro, to be sure, is a bondman for life. He may be sold from one master to another, but where is the ill in that?

The speaker did not even recoil from the final conclusion of his premises: that the South would be justified in seceding from the Union "if the North continues to conduct itself in the selection of representatives in the Congress of the United States as, perhaps from a certain degree of negligence and inattention, it has heretofore done."

On December 5, 1859, three days after the execution of John Brown, Congress convened, and the first act of the Senate was, on motion of James M. Mason [Va.], to appoint a committee to investigate the insurrection at Harper's Ferry, in order to find if John Brown and his companions had planned the affair of themselves, or if there was an organized effort behind them, and, in accordance with these findings, to report upon what legislation was in their opinion necessary "for the future preservation of the country, or for the safety of the public property."

In speaking on this motion Northern Senators condemned the act of Brown and declared that the investigation would reveal that it had received no countenance nor support from any considerable number of persons. However, they could not forbear calling the attention of the Southern Senators to the fact that no investigation had been made into a similar attack upon a

Federal arsenal in the West when this assault had been made in the interests of slavery.

In this debate the chief Democratic speakers were Senators Mason, Robert M. T. Hunter [Va.], Jefferson Davis [Miss.], John J. Crittenden [Ky.], Albert G. Brown [Miss.], Alfred Iverson [Ga.]; and the chief Republican speakers were Lyman Trumbull [Ill.], John P. Hale [N. H.], Henry Wilson [Mass.], William P. Fessenden [Me.], Zachariah Chandler [Mich.].

## The Conspiracy of John Brown

### Senate, December 5-14, 1859

Senator Trumbull.—No man who is not prepared to subvert the Constitution, destroy the Government, and resolve society into its original elements can justify such an act. No matter what evils, either real or imaginary, may exist in the body-politic, if each individual, or every set of twenty individuals, out of more than twenty millions of people, is to be permitted in his own way and in defiance of the laws of the land to undertake to correct those evils, there is not a government upon the face of the earth that could last a day. And it seems to me, sir, that those persons who reason only from abstract principles, and believe themselves justifiable on all occasions, and in every form, in combating evil wherever it exists, forget that the right which they claim for themselves exists equally in every other person. All governments, the best which have been devised, encroach necessarily more or less on the individual rights of man, and to that extent may be regarded as evils. Shall we, therefore, destroy government, dissolve society, destroy regulated and constitutional liberty, and inaugurate in its stead anarchy—a condition of things in which every man shall be permitted to follow the instincts of his own passions or prejudices or feelings, and where there will be no protection to the physically weak against the encroachments of the strong? Till we are prepared to inaugurate such a state as this, no man can justify the deeds done at Harper's Ferry.

In regard to the misguided man who led the insurgents on that occasion I have no remarks to make. He has already expiated upon the gallows the crime which he committed against the laws of his country; and to answer for his errors or his virtues, whatever they may have been, he has gone fearlessly

and willingly before that Judge who cannot err: there let him rest.

Therefore, sir, I am for this investigation. I hope it may be thorough and impartial, and I believe the effect upon the country will be most salutary. Had a similar investigation been instituted when a similar transaction took place some years ago, this probably would never have occurred. The amendment which I propose to offer to the resolution which is pending, and in which, I trust, I may have the support of every Senator, provides for the investigation of a like transaction which occurred in the State of Missouri.

The speaker here recounted the circumstances of the seizure in December, 1855, of the Federal arsenal at Liberty, Mo., by a mob of pro-slavery men, and taking therefrom of arms and ammunition which were subsequently used against the Free State men of Kansas.

Then the complaints that were made were treated as the "shrieks of bleeding Kansas," and they could not be heard. I trust they may get a better hearing now. Now, sir, when the shrieks of Virginia are heard, and the ears of the country are opened, I trust those from Kansas may get a hearing also. I am prepared to hear both; and I hope that the investigation in regard to Harper's Ferry may be impartial, thorough, and complete, and let whoever is implicated in the unlawful transactions there be held responsible; and so, too, in regard to the seizure of the arsenal in the State of Missouri.

Senator Trumbull then offered to Senator Mason's resolution an amendment calling for an investigation into the Liberty arsenal affair.

Senator Mason, while implying that Senator Trumbull had an ulterior and partisan object in his amendment, the facts in the Liberty affair being on record, nevertheless declared that he was willing to vote for the proposed investigation.

He denied that there were "shrieks" from Virginia in regard to the John Brown affair, and reprobated the use of such language in regard to one sovereign state by the representative of another.

Senator Trumbull replied that if the term "shrieks" was indefensible in the case of a State, it was also in-

defensible in that of a Territory. He denied that all the facts in the Liberty arsenal affair and the Kansas outrages were known to Senators. If Senators knew them, they had not acted upon their knowledge. For example, if the Senator from Virginia had known that secret organizations were recruited in Virginia to go to Kansas in order to make it slave territory, he had paid very little attention to the matter.

Sir, the example which has been followed here at Harper's Ferry was set in Missouri. The cases are not altogether parallel. In one case the object was to extend slavery; in the other to extinguish it. In one case the persons engaged have been brought to the gallows and have suffered for their act; in the other case the men engaged have been rewarded by office. Sir, they are not parallel; but had the proper steps been taken four years ago I do not believe the Harper's Ferry affair would ever have happened. I think it owes its origin to our overlooking the outrages that were committed in the West, and to which honorable Senators paid very little attention at the time. Now, sir, I trust they may get that attention which they deserve, and that we may deal impartially and alike by all violators of the law, whether their object be to introduce or extinguish slavery. I will stand by the Senator equally in maintaining the Constitution of my country and the constitutional rights of all, as well in Virginia as in Illinois.

Senator Hale.—I am for the resolution, sir. I am for the amendment, but if the amendment is voted down I shall go for the resolution still. I am sorry that it has been introduced this week, because I wanted to keep up the era of good feeling until after Christmas. [Laughter.] As I have said, I am for the resolution, but I think it is faulty in one particular. I do not think it goes far enough. I think this is only dealing with the surface of things, and I think, sir, it will bother you somewhat when you come to appoint the committee after the resolution passes. I beg leave to say, sir, I do not want to go on the committee, for reasons which I shall state.

In the first place, I think that this committee should be a committee of learned men deeply versed in philology and psychology, too [laughter]—I beg gentlemen not to laugh until I get through—and theology. I think, sir, we ought to go to the bottom of this thing; and I think I have read in some speech an intimation that looks this matter right in the face, that goes to first principles. I have heard a speech, or, if I have not

heard it, I have read the report of it, in which a distinguished Senator [Mr. Douglas] said that the doctrine in the Declaration of Independence that "all men are created equal" does not mean what it says. I want some men versed in philology put on the committee, to know whether that does mean so or not. He says that, when it declared that "all men are created equal," it simply meant that in the time of the Revolution all British subjects were equal. Well, if that was the whole meaning of it, it was a harmless thing, and affords no sort of encouragement to those wild dogmas that these fanatics have been preaching.

Then there is another doctrine that I think deserves to be investigated, and that is one which some of these fanatics get from the Bible, which declares that God has made of one blood all the nations of the earth. Now, I want a theologian on the committee, to know whether that does not mean all white men.

I am a little embarrassed about this matter, and that is the reason why I do not want to go on this committee. I am pointed out as one of the culprits, one of the men aimed at in the resolution. I do not mean that the Senator means that; but the public papers all over the land have pointed me out. Now, sir, I am not here to plead to that charge, nor to demur to it, either; but I think you will see at once that, laying aside my want of other qualifications, it would not be right to put me on this committee; and I am not certain that all the members on this side of the House, who belong to the Republican party, are not disqualified from sitting on this committee in the same way; for it has been charged in some pretty high quarters that, if we were not directly concerned in it, the doctrines that we preach and promulgate tend inevitably and directly to just exactly the state of things which has been produced.

Well, sir, I think the committee should be charged with that inquiry, and they should be instructed to report whether there is any organized party in this country that not only helped this movement by the money and the arms they furnished, but whether there is not a great political party organized in this country that has preached doctrines which directly tend to these things. I think the resolution, if it is adopted, should go as far as that.

I believe, sir, that if this investigation could be made thorough; if a light like that which beams from the eye of Omniscience could penetrate the whole history of this affair, the blame, wherever it may be, if it is to be laid at the door of anybody else aside from the men who were engaged in it, would be found to lie somewhere else than at the door of the Republican party,

or of any considerable number of men who enjoy its confidence.

Sir, if this investigation takes place, and I hope it will and it is made pretty searching, I think you will find another fact, and one that I do not know that you will be very proud of. You will find something of the estimation and the affection which some of your Northern Democrats entertain for you, if you can find out how the news of this raid, as it is called, was received in some of the Northern States. Why, sir, some gentlemen, whom the tender solicitude of their constituents had left in the retirement of private life, free from the corroding cares of public station, I know, received the news of this outbreak in Virginia with a perfect yell of delight. They thought the time had come when there was something they could catch hold of to ride into power.

So far as I know, so far as my knowledge of the public men with whom it is my pride to associate is concerned, they have never made, and never will make, an appeal to slaves. They do not address them. It is not one of the instrumentalities by which they propose to work. Their appeal, so far as I know, is to the enlightened conscience and the patriotism, not of the slaves, but of their masters; of those who hold the destinies of this country and are responsible for the manner in which the Government is administered. The appeal, so far as I know or have any cognizance, which the Republican party has ever made and which it makes to-day, is to the understandings, the consciences, the intelligences, and the patriotism of those who, under God, are responsible for the manner in which the affairs of the Government are administered, and they have never made or countenanced any appeals to slaves.

I am free to say, sir, that, while I desire now, as I always have desired, that this Union may be perpetual, I confess that I do see danger to it. I do not see danger from anything we are doing in the free States—not the slightest; but I do see danger to this Union from the continual obloquy, reproach, and crimination which is heaped upon the people of the free States every time that there is anything calling attention to the subject in the South. Why, sir, take this very fact—and let it be everything that has been said of it, and I doubt not it is—of twenty-two men, more or less, doing what they did in Virginia. Instead of its being met by the public sentiment, and the public press, and the public authorities, as the act of the men who did it, it was distinctly and directly and unequivocally over and over again charged upon other men, with all the confidence that it could have been if they had had a judg-

ment of the highest court in the land that it was the fact—charged upon men who knew as little about it as the child that is to be born a century hence. I think we must exercise a little forbearance. I do not ask gentlemen of the South to exercise forbearance; but we are the party from whom forbearance should come. Sir, we have forborne, and we have had contumely and reproach and bitter accusation day after day, and month after month, and year after year, heaped upon us. There is where, I think, the danger to this Union exists. I do not see, for myself, how Southern gentlemen can consent to live in a Union if they believe that those who are associated with them are the characters which the public press represent us to be; if we are so utterly false, not only to the oaths we have taken to support the Constitution, but to the moral obligations which ought to bind men as patriots and Christians. If the sentiment that we are so utterly wanting in all those qualities of character is to be continually and eternally iterated and reiterated, from one end of the section of the country where these transactions may take place to the other, there will be a feeling generated that will be fatal to this Union.

SENATOR HUNTER.—The public mind of the South has been startled, not so much by the foray of Brown and his twenty-three men, as by the open sympathy and approbation which have been manifested in portions of the North in regard to that attempt, and the apparent indifference with which it has been treated by those whom we had a right to hope would have been more conservative in their feelings and actions upon such a subject.

Senator Hunter then instanced the amendment of Senator Trumbull as intended to impart a political complexion to a matter affecting not only the rights of a State but the peace of the country.

If gentlemen here think it is improper to institute such an inquiry; that our peace and safety, and our lives and property, are the cheap subjects upon which any man and any adventurer may try his experiment—let us know it. If they think that this question does not rise beyond the dignity of a mere party dispute, and are willing to prevent its proper consideration by such discussions and mode of treatment—let us know it. It is time that we were made aware of such a state of feeling in regard to our rights, our peace, and honor, if in truth it exists.

Still less had we supposed that such question was to be met

with the levity of the Senator from New Hampshire [Mr. Hale]. Why, sir, upon such occasions as these, upon such an occasion as this—I will not say as these, for it has no parallel in the history of our Government—to see such a subject treated with the levity in which he is disposed to deal with it sounds to me, at least, like the laugh of the inebriate or the insensate in the chamber of death itself. I tell him, sir, that much depends upon what is the real state of Northern feeling in regard to these matters. We know we can defend ourselves against such outrages as this; against the forays of men who may get up such expeditions as these, and attempt to get up servile war among us; we hope we can defend ourselves against all the hazards to which we may probably be exposed; but it becomes a much graver question to say how we are to deal with the subject if we become convinced that such attempts find support, not only in the sympathy of the great mass of the North, but in contributions that may actually be raised for their assistance.

My colleague proposes that a committee shall be appointed to inquire whether there may not be some remedy for it. If there be no remedy (as he has intimated as his opinion), so far as the State is concerned, to be found in the powers of the general Government, is it too much that we should expect, from the sympathy and the sense of duty of our co-States, that they should do something to put down such combinations? If a filibustering expedition be gotten up against a foreign state, we have laws by which it may be suppressed and punished; but is it to be said that here, under the sanctions of a Union, such things may be done in our confederated States, and that there shall be no law, either State or Federal, by which to punish or suppress them? Is this common Government, this Union, to be used only to stay the arms of the States for the purposes of self-defence, and give us no means of protection against outrages on our peace and our property, on the part of our confederates and brethren? If this common Union is to become an instrument of offence, instead of defence, in the hands of our allies, it is time that we should know it. If there be no power here to prevent such things, is there no disposition in the co-States, is there no disposition in those States to whom we are bound by the bonds of union and a common Government to repress and suppress them? Would not the dictates of common humanity induce them to do it, if there were nothing in those higher obligations of belonging to the same family and of being members of the same Union? If the power be wanting in the one and the disposition should not exist in the other, it

is plain that we have but one remaining source of defence and must look to ourselves.

SENATOR DAVIS.—Mr. President, mingled with the regret I have felt at the tone in which this matter has been discussed by the two Senators on the other side of the Chamber who have spoken, there has been at least one gratifying fact; and that is the distinctness with which they disavow for themselves and their friends any complicity in the transaction. I thought one of the great inducements we had to the consideration of the subject was to exonerate the Senate, if it were guiltless, of any connection with an act which stands out prominently as the first—I hope it may be the last—of those violent proceedings which can only be considered civil war. The newspapers have connected prominent individuals in the Northern States; they have not spared Senators themselves in this connection. The Senate owes it to the country—a duty to itself, a duty to the Government of which it is an important and conservative part—that it should inquire to the bottom and see whether its body is involved in any such corruption as has been intimated. That, I confess, was my great desire for the inquiry.

Can the Government continue, should it continue, as the mere shield to protect one portion of the United States in making war upon another? Can the citizens of Virginia allow the citizens of other States, under the privileges and immunities which the Constitution secures, to invade their peace and disturb their domestic relations? Far better, if such is the motive which prompts them, that they were foreign governments, with police stations along each border, and passports required with such inquiry into the character of persons coming in as would secure to peaceful women and helpless children immunity from the incendiary and the assassin.

I trust, sir, there will be no disposition on the part of the Senate to embarrass or to postpone an inquiry which they owe to themselves, and which is so essential to the country. As to the Liberty arsenal transaction, it has no parallelism with the case on hand. The two are not in any essential degree alike. An armory was attacked at one place; an arsenal at another. Arms were taken from both, and there all likeness ends. It does not appear, it never was alleged, that those who went to Liberty and seized arms intended to hold the arsenal as a strong place where they might resist the community among whom it was situated. They went to get arms and ammunition and to go with them elsewhere, where that which might be fairly denominated civil war was already raging. Again, when they got

the arms they went away, and afterward returned them—showing no purpose to steal, but to seize them for a time for use in a border warfare, which none will attempt now to justify. As to where the *onus* of blame lies for the existence of that war, that is a different question, and it is beneath the dignity of the object of our present consideration to go into it.

We, Mr. President, look to this Government that it may show its good faith to the obligation which the Constitution imposes, to protect us in our rights of person and property as far as the Federal functions extend. We expect of the Federal Government, in consideration of the fact that the States offer no barrier to the migration of individuals from other States, that it will see that lawless mobs do not go forth to disturb the peace of their neighbors. This Government was instituted to protect the people against the invasion of their rights from any quarter whatever. The President is empowered by the Congress to call out the militia to suppress insurrection and repel invasion. That word "invasion" once had a signification which carried the mind simply to foreigners alone. God forbid we should ever come to learn that it means likewise a portion of our own brethren; and may He also forbid that the time shall ever come when we shall have an Executive who would shrink from the performance of that duty with the directness, manliness, and honesty which have been displayed by James Buchanan.

Senator Crittenden, in accordance with his well-known character as a peacemaker, sought to shut off the debate, which promised to become one of the most acrimonious in the annals of Congress, by stating that, while in his opinion all the facts in the attacks on the Virginia armory and the Missouri arsenal were already known, nevertheless he thought gentlemen should agree to investigate both cases, and let the matter rest until the reports of such investigations were made.

His wise advice was not followed. Senator Wilson felt called on to explain that the public sympathy in the North with John Brown was elicited by his sincerity and courage, and not by his fanatical principles. Had the Senator stopped with this declaration the policy of Senator Crittenden might have been adopted. But he went farther, and claimed that with this sympathy was mingled indignation at the conduct of Gov. Henry

Alexander Wise, of Virginia, who, in a message to the legislature of his State, had held the Republican party responsible for John Brown's act.

> Had Governor Wise dealt with this question as a wise and discreet magistrate; had these parties been brought to trial at the proper time, and tried fairly; had he sent a few constables, or perhaps a few armed men, there to preserve order; had he held these parties responsible, and not attempted to implicate men for partisan purposes in complicity with it; had he dealt with this question as it should have been dealt with by a discreet and proper man, who had no ulterior purpose to gain, what we witness in this country to-day would never have taken place.

Senator Brown was aroused by these remarks to charge that Senator Wilson had been present at a large "John Brown meeting" at Wilson's home in Natick, Mass., on November 20, and that he had been silent when the following resolution was passed:

> Whereas, resistance to tyrants is obedience to God; therefore,
> Resolved, That it is the right and duty of the slaves to resist their masters, and the right and duty of the people of the North to incite them to resistance, and to aid them in it.

Senator Wilson then stated that, shortly before the meeting at Natick, he had made a speech there in which he reprobated John Brown's act, and that the Abolitionists present had announced to him that they would hold a meeting to express dissent with his views. At this latter meeting the resolution referred to was presented by a visiting speaker, Henry C. Wright, "a Garrison Abolitionist, a profound disunionist, a no-government man, and a non-resistant," who made "a non-resistant speech in favor of resistance" (*Laughter*) explaining how emancipation could be accomplished without bloodshed, for, said he, "I would not shed a drop of human blood to free every slave in the country." Said Senator Wilson:

> After he closed his speech the question was put, and perhaps fifteen or twenty persons in that meeting of seven or eight hun-

dred voted for the resolution. All the rest, feeling that Mr. Wright's friends had paid for the hall and got up the meeting for him and for themselves, took no part for or against him. They did not interrupt the meeting, believing, as they did and as we do in our part of the country, in the absolute right of free discussion of all questions. When the meeting adjourned the general expression was that the resolution was a very foolish one, and that Mr. Wright and his friends were alone responsible for it. Nine-tenths of that meeting took no part in it. They did not wish to interrupt the meeting or interfere with it in any way whatever or be responsible for it. There were present gentlemen as sound on the slavery question as the Senator from Mississippi could desire. The postmaster of that town is as sound on the slavery question as the Senator from Mississippi, and often manifests his zeal in defence of the policy of the slave power; but he did not say a word, nor did those who act with him, because nobody wished to interfere with those who had invited the speaker there, and who agreed with him in his general opinions. Senators should remember that the right to hold meetings and to utter opinions upon all matters of public concern is an acknowledged right in my section of the country. They should remember, also, that the people in that section often attend meetings where subjects are discussed in a way they do not sanction; but they do not think it becomes gentlemen to interrupt such meetings, or interfere with those who differ from them. Often do I attend such meetings and listen to what is said, without feeling myself in any way responsible for what is said or done. So do the people of my State; I wish the people of other sections of the country would thus cherish the sacred right of free discussion.

Senator Brown at this time professed himself satisfied with Senator Wilson's explanation, though later he returned to the charge.

Senator Mason, however, rose to attack Senator Wilson for his charge against Governor Wise.

Mr. President, it was the pleasure of the honorable Senator from Massachusetts to arraign the conduct of the Governor of Virginia in his action. It was the pleasure of the honorable Senator to impute to him, acting within the limits of Virginia, as the chief magistrate of Virginia, a sinister and unworthy purpose in what he did. It was the pleasure of the Senator to say that the Governor had in view, not the discharge of his public

trust to the people who placed him there; but that he had in view some selfish purpose of making political capital in what he did. Mr. President, the people of Virginia are the only political community to whom the Governor of Virginia is responsible. I have not heard one word of doubt expressed in the State of Virginia by anybody, of any political party, as to the propriety, expediency, and wisdom of the conduct of the Governor of Virginia in taking care that the laws of Virginia should be respected and should be enforced. Sir, the very opposite was the fact. If the Governor of Virginia, when such an outrage was practiced upon the sovereignty and the soil of that State as was attempted by these vagabond instruments of people elsewhere, had run the remotest risk that they should not have expiated their crime under the laws of Virginia, he would have met and would have deserved the execration of the people of Virginia. Sir, it was an occasion when no risk should be run; there should exist no possibility that in any mode that wretched vagabond, Brown, should escape the just doom that he deserved. It was for that reason that he brought there, properly, the large military force present in the county where the outrage was committed and where the execution took place. It was to put all possibility of rescue at defiance. I can tell the honorable Senator there is no disputing about taste; there is no correcting taste; and if the honorable Senator thinks that even his constituents will justify him in gratuitously and without foundation arraigning the Governor of a State who is discharging his duty within the limits of his State, taking upon himself, as the representative of another State, to ascribe to him a sinister purpose in discharging a duty at home, I trust that he misconceives the spirit of his own people when he stands as their exponent thus.

Senator Mason then supported his charge that John Brown and his men had been "the vagabond instruments of people elsewhere."

I know nothing about the man, except the public notoriety he has obtained as a ruffian, a thief, and a robber—nothing more; but it is part of his history itself that he had been a vagrant for years; that he was poor; that he had no resources of his own; his will, that was published here the other day in one of the papers, shows that he had no resources of his own; but he brought resources there for the purposes of this insurrection, proportioned to it, and costing a large sum of money. We want to know where that money was supplied. We want to know the

incentives that led him to that expedition. We want to know the state of public sentiment, notwithstanding gentlemen representing the Northern States say here that they disapproved it or condemned it. We want to get at those thousand rills which go to make up public sentiment, and which resulted in furnishing an adequate treasure to send a ruffian, with an armed band, and arms enough at his command and in his power to place them in the hands of the slaves, certainly to the amount of two thousand, within one hour after he had collected them. These are facts that we want to get at by this inquiry.

Senator Iverson replied to Senator Wilson's statement that the sympathy of the North with John Brown was due only to his courage.

We might quote thousands of instances where men have died on the gallows, the scaffold, or the cross, or have been gibbeted, who have exhibited some of the finest traits of the human character—bravery and fortitude. Did they excite the sympathy of these men? Ah, sir, Brown died because he was the enemy of slavery, and they can see a great many causes of sympathy in his case which they never thought of feeling or suggesting in the case of others.

Who is John Brown that he should excite the sympathy of any honorable man? A man who, in Kansas for five years, was engaged in no other business but theft and robbery and murder; a man who in cold blood could take out men from their beds at night and, in the presence of their wives and children, murder them upon the spot—that is the man for whom you have sympathy, because he has shown courage.

But, sir, the sympathy extends much beyond the mere personalities of Brown's character. It cannot be disguised that the Northern heart sympathizes with Brown and his fate, because he died in the cause of what they call liberty. There is the truth, and it is unnecessary to disguise it; and no declarations made here or elsewhere can close the eyes of the Southern people to the fact. Look at the conduct of the legislature of Massachusetts. On the 2d day of this month, at the time Brown was to be executed, a proposition was made in the Senate of the State of Massachusetts—grave and dignified body—to adjourn in honor and commemoration of him who was about to be executed for a bloody crime, for theft and robbery and murder, the most heinous crimes that can disgrace humanity; and eight members of that dignified body voted for an adjournment, and the propo-

sition was lost by only three votes. Is that no evidence of sympathy with Brown and his designs? What means the expression of the public press of your party in the Northern States? Look at the New York *Tribune;* you acknowledge that as your organ; it speaks the sentiments of your party. Has it expressed no sympathy for Brown? Show me a paper, any respectable journal of the Republican party, in all the Northern States, that has condemned the act of John Brown; except it is the one that is said to be controlled by one of the Senators from Rhode Island [Mr. Anthony]; and he is entitled to my approbation for his course on this matter, at least, and to the approbation of the Southern people.

But, sir, the tone of sentiment of the Republican press throughout the whole North is sympathy for John Brown and his failure—failure to do that which, if he had succeeded, would have rent this Union asunder. Sir, it is needless to disguise the fact; Senators on this floor may disclaim as much as they please, but their acts speak louder than words.

Here the speaker referred to the candidacy for Speaker in the House of Representatives of John Sherman [O.], who had endorsed Hinton R. Helper's inflammatory anti-slavery book on "The Impending Crisis." Owing to the strenuous opposition of Southern Representatives which they manifested in a fiery debate on the contest, the candidacy of Sherman was withdrawn and William Pennington [N. J.], a conservative Republican, was elected Speaker. Senator Iverson continued:

The truth is that it is the intention of the Republican party —their public press avows it, and their political course shows it—it is their settled design to break down the institution of slavery by fair means or foul means; and if they cannot accomplish it in one way they intend to accomplish it in another. If they cannot accomplish it by appealing to the slaveholders themselves, they mean to accomplish it by appealing to the slaves.

I tell Senators that the Southern people are becoming aware of the intention of the Republican party. I know how strong that party is, and the Senator from New Hampshire has very properly said that even the Democrats of the North, some of them, at least, have rejoiced at this incident at Harper's Ferry, because it may have a political bearing in their behalf. I wish that was the only reason and the only motive which many of

the Democratic party of the North have had for rejoicing over what has occurred at Harper's Ferry; but I am afraid that too many of them sympathize against slavery, and are willing to put it down by any means. I am afraid that too many of the Democratic party of the Northern States are going over to the Black Republicans, because the Black Republicans have exhibited more zeal and determination in their war against slavery than the Democratic party itself has. I wish the Democratic party was purer and better than it is. I am afraid that it is becoming itself, if not corrupt, at least corruptible. But, sir, the South will be able to take care of itself like Virginia. In the pride and power of her sovereignty she has spurned all assistance, and stands to-day vindicated as a sovereign State. We are able to protect ourselves, and we intend to do it; and, whatever may be your political action and course against the South and her institutions, rely upon it we shall be prepared to defend ourselves to the last extremity, even at the sacrifice of the Union, which you all pretend so much to revere.

SENATOR HALE.—I do not want to occupy the attention of the Senate; but the honorable Senator from Georgia has made a statement at the close which does honor to his heart. I, for one, certainly freely forgive him for all the injustice he did the Republicans for the little modicum of justice which he did the Democrats. [Laughter.]

In reply to Senator Iverson's charge that the North had expressed no sympathy for Virginia, in her crushing an insurrection against not only herself but the Federal Government, Senator Fessenden said:

Gentlemen ask why have we not heard of public meetings tendering aid to Virginia in this matter. Because the people of the free States thought the tender of aid to Virginia would be a gross insult to Virginia. Think of the idea of holding meetings in the free States to tender aid of men and money on the occasion of a foray made by some twenty-odd men, the greater number of whom were killed almost at once and the rest of whom were to be hanged in a very short time! Why, sir, we can hardly understand what the occasion of all this alarm was. We thought the result of this expedition would be to strengthen the State of Virginia, and every other State, against which any such expedition might be directed. The men who composed the expedition were conquered; the largest portion of them were killed on the spot; the rest were in the hands of the

State authorities; the slaves did not rise; they had proved, as the Senator from Virginia says, their loyalty; there was no danger anywhere, no reasonable ground for apprehension, that we could see, from any quarter.

SENATOR IVERSON.—The Senator misunderstood me. I did not have any reference to a want of tender of aid. No, sir; I said that no parties at the North had given any public demonstration of sympathy for Virginia and the South. Virginia would have considered it an insult to have aid tendered to her. She was able to take care of herself.

Senator Fessenden then addressed himself to the charge of Senator Hunter that the North and its Senators approved of John Brown's act.

I represent the public sentiment of my State. Sir, from the beginning to the end, from the time this affair happened down to the present day, although I have conversed with all classes of men, I have not met the first man of any party, of any sect, who has not denounced the act of John Brown and his associates as criminal in the highest degree, and who has not said that in the eye of the law—leaving out of the question magnanimity and all which might address itself to the minds of the people of the State of Virginia and the executive of that State—that, in the eye of the law, if John Brown was a sane man when he committed those acts, he deserved death; and that I will venture to say is the all but universal sentiment of the people of the States of this Union, and yet gentlemen refuse to hear it.

Gentlemen of the South, if you give us an opportunity to unite in the investigation, we shall endeavor to aid you. Even if you shall endeavor to do it yourselves in your own way, and to your own extent, I trust that you will succeed, and that there will be an end to everything of this description; but I beg Senators here, and I beg those whom they represent elsewhere, to remember that nothing is to be gained by denunciations of opponents. We are not to be put upon the defensive. We are not responsible, and we do not mean to admit our responsibility in one way or another. We stand as clear and as clean and as pure, with reference to this matter, as the most ultra-slavery man among you. We have our objects, constitutional, legal, as we believe, rightful. They are avowed by us as a party; we have stood by them; and let me tell Senators that, in spite of all the excitement which may be raised on this question, we are prepared to stand by them yet.

Senator Brown, while reiterating that he accepted the repudiation of John Brown's act by Northern Senators, held that the act was not repudiated by the North in general, but, on the contrary, was endorsed.

Is it usual for notorious malefactors, murderers, robbers, and traitors to have sympathy expressed for them through the leading journals of the Senator's party at the North?

If John Brown, instead of engaging in a foray against slavery, and against the peace and quiet of Virginia, because she was a slave State, had made a similar foray into Massachusetts, with a view of overturning the government of that State, would the *Tribune,* would the *Evening Post,* would other Republican journals have expressed the sympathy for him which they have expressed? Would New England clergymen have called their congregations together in prayer-meetings for the soul of such a man? Would there have been in public meetings, religious and political, the same sympathy expressed for him which we have heard? Suppose an expedition should be fitted out from Virginia and Carolina to go and capture the armory at Springfield and hold it with the avowed object of overturning the government of Massachusetts, and the whole government of the New England States and of the North, and planting slavery there; then suppose, when you had captured the leader and gibbeted him upon the gallows, the Southern people should hold meetings, religious and political, to express sympathy with the man; suppose every wind that swept from the South should bring upon its wings the tolling of Southern bells over the fate of such a man: Senators of New England, what would be your conclusion? Suppose I came before you under such circumstances, professing that I had no sympathy with this man, that my people had no sympathy with him: what would be your reply? "Why, sir, we believe you speak honestly." I am sure you would say so to me; but you would ask, as I ask you, why have you not rebuked these things at home? You did not owe it to Virginia, you did not owe it to the South to say anything; but you will allow me to say that I think you owed it to yourselves. Why allow the impression to become almost universal in the South that the sympathy expressed for this wretched old man was a reflection of Northern sentiment? Why do you not rebuke your newspapers now? Why is the *Tribune* allowed from day to day to offend even your sentiments, the sentiments of every honest man in the whole community, by holding up this man Brown as a martyr to the sacred cause of liberty?

What, then, is it that elicits all this sympathy for him? It is not for John Brown, heroic as you have said he was, but it is for the cause in which he was engaged. He came to levy war upon a slave State, to murder slaveholders, because they were slaveholders. It is for that, and that alone, that sympathy has been elicited.

A meeting was held at Natick, at which the Senator from Massachusetts [Mr. Wilson] was present. He has disclaimed all sympathy with it. I am willing to believe that he feels no sympathy with it; and yet he failed to rebuke it. Suppose I had attended a public meeting where resolutions were passed hostile to your interests, advising forays across your borders, making war upon your people, would it be satisfactory for me to come a month afterward and say that I was there, but did not approve of the resolutions? So far it would be well; but would you not think it was my duty at the time to have said as much, to have warned my neighbors and friends, to have used the potential voice of an American Senator to rebuke such madness at the right time and in the right place?

If, then, we have been led into error, as I trust we have been, there is yet time enough to put it right. Let the future prove not only that you are sincere in your own declarations, as I do not question that you are, but that you are not mistaken in the sentiment of your own people. Let this open and undisguised sympathy with a murderer, with a traitor, cease and cease at once. Tell your editors, tell your Horace Greeleys and your Thurlow Weeds that the course in which they are proceeding is treasonable—treasonable to the country, treasonable to you; that from your high places here in this great national council-house you will denounce them unless they cease their persistence in such folly. Let us have that. Let your people assemble in meetings and repudiate the reproach which even you yourselves must admit has been cast upon them. Let that be done. Let the Republicans of Boston, of New York, of Philadelphia, and everywhere where these meetings have been held and the firing of cannon has been heard, assemble in mass meetings as Republicans and rebuke the whole thing. They will not do it. Gentlemen may protest and continue to protest, but the "irrepressible conflict" will go on. Whenever the Northern people shall, in public meetings or in public elections or in any other manner which an intelligent man can accept, rebuke this thing, I shall be as ready to do them justice as those who represent them immediately on this floor; but their silence, their silence under extraordinary circumstances, under a most extraordinary state of facts, does

excite my suspicion, that after all they do sympathize with forays into the slave States for the purpose of overthrowing their institutions.

This much I will say, in reference to the wretched old man who died on the gallows at Charlestown: he was less guilty than the great men who prompted him to his misconduct. The "irrepressible conflict" could end nowhere else. You encouraged him on to madness, and by your counsels and your conduct to deeds of desperation, and then you disavow the deeds. Let the whole conduct change; let the "irrepressible conflict" cease by your own acts; come to learn that Virginia has all the rights in the Confederacy that belong to Massachusetts; that she has as much right to have slaves as Massachusetts has not to have them; that they are equals, and exact equals in all regards; learn that principle, cherish it, and practice upon it, and you will have no occasion to sympathize with John Brown for outrages such as that which we all protest against and deplore.

SENATOR CHANDLER.—The Senator from Mississippi [Mr. Brown] asks what would you say if Virginia and Carolina were to attack the armory at Springfield. I do not know what is the population at Springfield, but I will guarantee that if seventeen or twenty-two of the generals, not captains (they say these men were to be captains) of the States of Virginia and North Carolina were to attack Springfield, if there was not a man within five thousand miles of there the women would bind them in thirty minutes, and would not ask sympathy, and the matter would not be deemed of sufficient importance to ask for a committee of investigation on the part of the corporation. Why, sir, Governor Wise compared the people of Harper's Ferry to sheep, as the public press states. It is a libel, it is not true, for I never saw a flock of fifty or a hundred sheep in my life that had not a belligerent ram among them. We do not understand this case, sir. We understand no such panic as this. If seventeen men were to attack the city of Detroit in any capacity, and the mayor should appoint as a guard more than seventeen constables to take care of them, the city auditor would decline to audit the account.

The facts in this case, as they appear to be, are these: The fugitive slaves at Chatham, in Canada, got together some time—I do not know when—and organized a provisional government for the United States. There are, I understand, about sixty thousand fugitive slaves in the Province of Canada. They got together in Chatham, in Canada, and there resolved to organize a provisional government for these United States. They did so;

and they sent as their agents—this I gather from newspaper accounts—to put their government in motion, John Brown and sixteen other white men and five negroes, without any hopes of support from any source. Now, gentlemen ask, where did all these funds come from? All that was needed would amount to about probably twenty cents on each head of your own fugitive slaves in Canada; and yet the great Republican party of the North, representing one million three hundred thousand voters, is to be charged with complicity in this miserable fugitive slave government established at Chatham some time—God knows when, and I do not know nor care. Sir, it is too ridiculous. I cannot treat it with any sort of serious consideration.

The Senator from Georgia states that your Northern allies are in a hopeless minority. Well, sir, that is true. You have crowded them a little too far. You have left their bones bleaching all over the land. They are politically dead, hopelessly dead, beyond any resurrection. The trumpet of the archangel will never reach them politically. You have crowded them too far, sir. You have forced them to vote for your Lecompton constitution. You forced them to vote for the repeal of the time-honored Missouri compromise. You have kept the "nigger" eternally before them, and, whether he was acceptable or obnoxious to them, you made them swallow the "nigger" in large or small doses as you saw fit to present him, and it has been a fatal dose; you have given too much.

Sir, I hope this resolution will pass unanimously, and I hope the action of this committee will be effective. I hope it will be searching and thorough, and, my word for it, some other party than the Republican party will come up delinquent under its action.

On December 14 the resolution of Senator Mason and the amendment of Senator Trumbull came to a vote. The amendment was rejected by 22 yeas and 32 nays, and the resolution was unanimously adopted.

President Buchanan's annual message to Congress appeared on December 19, 1859. It opened with an attempt to allay the bitter hostility which had arisen over the John Brown affair between the two sections, and had been displayed before his troubled eyes in the Senate. The allusion in it to himself as "an old public functionary," whose heart felt for the whole country, was not taken kindly by the Republicans, who blamed the President for the part he had played throughout his

long public career in aiding the South against the North in the extension of slavery, and they seized the opportunity of nicknaming him "Old Pub. Func." in derision.

## The Warning of Harper's Ferry

### President Buchanan

While it is the duty of the President "from time to time to give to Congress information of the state of the Union," I shall not refer in detail to the recent sad and bloody occurrences at Harper's Ferry. Still, it is proper to observe that these events, however bad and cruel in themselves, derive their chief importance from the apprehension that they are but symptoms of an incurable disease in the public mind, which may break out in still more dangerous outrages, and terminate at last in an open war by the North to abolish slavery in the South. While, for myself, I entertain no such apprehension, they ought to afford a solemn warning to us all to beware of the approach of danger. Our Union is a stake of such inestimable value as to demand our constant and watchful vigilance for its preservation. In this view let me implore my countrymen, North and South, to cultivate the ancient feelings of mutual forbearance and good-will toward each other, and strive to allay the demon spirit of sectional hatred and strife now alive in the land. This advice proceeds from the heart of an old public functionary, whose service commenced in the last generation, among the wise and conservative statesmen of that day, now nearly all passed away, and whose first and dearest earthly wish is to leave his country tranquil, prosperous, united, and powerful.

We ought to reflect that in this age, and especially in this country, there is an incessant flux and reflux of public opinion. Questions which in their day assumed a most threatening aspect have now nearly gone from the memory of men. They are "volcanoes burned out, and on the lava and ashes and squalid scoriæ of old eruptions grow the peaceful olive, the cheering vine, and the sustaining corn." Such, in my opinion, will prove to be the fate of the present sectional excitement should those who wisely seek to apply the remedy continue always to confine their efforts within the pale of the Constitution. If this course be pursued the existing agitation on the subject of domestic slavery, like everything human, will have its day and give place to other and less threatening controversies. Public opinion in this country

is all-powerful, and when it reaches a dangerous excess upon any question the good sense of the people will furnish the corrective and bring it back within safe limits. Still, to hasten this auspicious result at the present crisis, we ought to remember that every rational creature must be presumed to intend the natural consequences of his own teachings. Those who announce abstract doctrines subversive of the Constitution and the Union must not be surprised should their heated partisans advance one step further and attempt by violence to carry these doctrines into practical effect. In this view of the subject it ought never to be forgotten that, however great may have been the political advantages resulting from the Union to every portion of our common country, these would all prove to be as nothing should the time ever arrive when they cannot be enjoyed without serious danger to the personal safety of the people of fifteen members of the Confederacy. If the peace of the domestic fireside throughout these States should ever be invaded—if the mothers of families within this extensive region should not be able to retire to rest at night without suffering dreadful apprehensions of what may be their own fate and that of their children before the morning—it would be vain to recount to such a people the political benefits which result to them from the Union. Self-preservation is the first instinct of nature; and therefore any state of society in which the sword is all the time suspended over the heads of the people must at last become intolerable. But I indulge in no such gloomy forebodings. On the contrary, I firmly believe that the events at Harper's Ferry, by causing the people to pause and reflect upon the possible peril to their cherished institutions, will be the means, under Providence, of allaying the existing excitement and preventing future outbreaks of a similar character. They will resolve that the Constitution and the Union shall not be endangered by rash counsels, knowing that, should "the silver cord be loosed or the golden bowl be broken" . . . "at the fountain," human power could never reunite the scattered and hostile fragments.

The President followed this kindly advice by congratulations upon the Dred Scott decision as settling "principles of Constitutional law so manifestly just in themselves and so well calculated to promote peace and harmony among the States," and by the assurance that the cases of those engaged in the slave trade, especially the case of the *Wanderer,* were being "rigorously prosecuted."

Says Horace Greeley in his "The American Conflict":

> This opinion of the justice of the decision of the Supreme Court in view of the emphatic dissent of every constitutional lawyer among the Republicans, and this statement of the rigorous prosecution of the owner of the *Wanderer* in face of the facts in the case, were not calculated to arouse in the North that spirit of fraternity toward the South which the President professed to desire, but, instead, kindled there the greatest indignation against both the President and the section of the country which he was serving so efficiently and with such partiality.

# CHAPTER VII

## "The Death-knell of Popular Sovereignty."

Southern Senators Plan to Read Senator Stephen A. Douglas [Ill.] Out of the Democratic Party—Jefferson Davis [Miss.] Introduces Resolutions in the Senate Repudiating Douglas's Doctrine of Popular Sovereignty—Debate on the Resolutions: in Favor, Senator Davis, Graham N. Fitch [Ind.], Robert Toombs [Ga.]; Opposed, Daniel Clark [N. H.], Senator Douglas.

THE Southern Senators determined to block the aspirations of Stephen A. Douglas [Ill.] to the Presidency by "reading him out of the party." Accordingly, as planned by a caucus of the Administration, or "Lecompton" Democrats, Jefferson Davis [Miss.], on February 2, 1860, submitted a series of resolutions to the Senate, reiterating the "Test Resolutions" once offered by John C. Calhoun, and adding thereto the following, which repudiated Senator Douglas' "Freeport Doctrine" of "unfriendly legislation."

*Resolved,* That neither Congress, nor a territorial legislature, whether by direct legislation or legislation of an indirect and unfriendly nature, possesses the power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common Territories; but it is the duty of the Federal Government there to afford for that, as for other species of property, the needful protection; and if experience should at any time prove that the judiciary does not possess power to insure adequate protection it will then become the duty of Congress to supply such deficiency.

### Test Resolutions of Jefferson Davis

Senate, February 2-May 24, 1860

Upon this resolution Senator Davis remarked:

Mr. President, I have presented these resolutions, not for the purpose of discussing them, but with a view to get a vote upon

them severally, hoping thus, by an expression of the deliberate opinion of the Senate, that we may reach some conclusion as to what is the present condition of opinion in relation to the principles there expressed. The expression even of the resolutions is, to a great extent, not new. The first and second are substantially those on which the Senate voted in 1837-'38, affirming them then by a very large majority. I trust opinion to-day may be as sound as it was then. It was my purpose to rest the propositions contained in these resolutions upon the highest authority of the land—judicial as well as other; and if it be possible to obtain a vote on them without debate it will be most agreeable to me. To have them affirmed by the Senate without contradiction would be an era in the recent history of our country which would be hailed with joy by every one who sincerely loves it.

Resolutions stating that it was "the privilege of citizens of all the State to go into the Territories with every kind and description of property recognized by the Constitution" had already [on January 18] been submitted to the Senate by Albert G. Brown [Miss.]. On February 3 Graham N. Fitch [Ind.], an anti-Douglas Democrat, spoke upon the Brown resolutions.

The resolutions of the Senator from Mississippi [Mr. Brown] affirm, first, that the citizens of the Southern States have a constitutional right to go into the Territories with their property, recognized as such by the Constitution of the United States, and there possess and enjoy that property. This is the assertion of a right, in my estimation, undoubted—one I hardly deem even respectably debatable—yet it is a right the entire Republican party deny; a right but half admitted by certain Democrats; and one which, while thus but half admitting, such Democrats would create the means of practically denying. It is a right, we are told—and in such terms and manner that we cannot question the sincerity of the declaration—by every Southern Senator and Representative, that their section will never yield.

We are told by some of them, and I think by the Senator from Georgia among the number, that the recognition by their section of the Senator from Illinois with his present territorial views, as their candidate for the presidency, would be tantamount to a surrender of that right; hence their opposition to the nomination of that Senator. Well, sir, Northern Democrats thinking with me are likewise opposed to his nomination, because

we deem his territorial views sectionally unjust and unconstitutional. If citizens of the South are disposed to maintain their constitutional rights, there are those in the North who will aid them to the extent of their ability, and for the reason that, under the Constitution, we would expect similar aid from the South if our rights were threatened, and such aid necessary. Such was the mutual agreement of our fathers; such the bond. But if they voluntarily surrender their rights we of the North will accept the surrender as unconditional—never to be recalled; and use the power it bestows upon us as a gift never to be reclaimed. An army may be defeated in battle; but if, in its retreat, it preserve its discipline and retain its munitions of war, it commands the respect even of its enemies, the sympathy and aid of its friends, because of its readiness and ability to renew the struggle, and perhaps successfully to prosecute it; but if that army yield without battle; and especially if it invite and receive as its commander one who, though under the garb of friendship, has previously proclaimed his intention to deprive its members of a portion of their rights, and their liberties, it becomes disorganized, surrenders its means of defence without any equivalent, without any consideration, has not the respect of its enemies, and forfeits the sympathy and aid of its friends.

If the South nominate the Senator alluded to [Mr. Douglas] with his present views, the entire North will deem the act an expression of willingness upon their part that his views shall become the future settled policy of the Government; the united North will act upon that policy, carry it out to the full, and no aid must be expected by the South from any portion of the North in any effort they may thereafter make to prevent the progress of that policy to the end. When by such act it establishes his policy the South, and the Senator from Illinois [Mr. Douglas] will have done more to accomplish the favorite and avowed scheme of the Republican party than any effort of that party could have done—the scheme of surrounding the Southern States with free territory and starving out their institution.

On February 20 Senator Daniel Clark [N. H.] characterized the purpose of the resolutions as the manufacture of political capital for the coming presidential campaign.

Mr. President, I have observed one thing in the history of this slavery agitation: that whenever the Democrats, by their delegates, go into a convention on the eve of a presidential elec-

tion, they say they will have no agitation; but when that occasion is past, and they come into Congress, they are the very people to agitate the question. I do not know now but that, when the delegates of the Democratic party go down to Charleston this year, they will again resolve that there shall be no agitation. Most probably they will; and when they return here these questions will be renewed and carried forward.

The speaker here reviewed the progressive steps of the pro-slavery party in regard to the extension of slavery.

You see, Mr. President, how bold this institution has grown —what its practice is now compared to what it was formerly. Now it seeks directly to appropriate the whole territory to itself. It does not seek to divide the territory now as formerly, but it grasps the whole; up the rivers, over the mountains, and down into the valleys; in the sunny South, and in the ice-ribbed North; upon the arid and barren center, or on the fertile slopes; wherever a white man may go slavery seeks to accompany him. Briareus like, with its hundred arms, it grasps the entire territory of the United States Government.

But, Mr. President, not only is the doctrine of this resolution bold, but it is alarming—alarming because it makes another step in the progress of the slave power. At first freedom claimed the whole. Then slavery claimed the half. Now, instead of, as in 1820, taking a portion of the territory, and having it admitted as a slave State, and yielding the rest of the territory to freedom, slavery claims the whole territory. That is the doctrine of this resolution; that there is a constitutional right, on the part of the slave master, to take his slave and go with him anywhere into the territory of the United States, and hold him there as a slave; and, if the laws are not sufficient now for the purpose of holding him there, this Government is bound to provide laws sufficient to hold him there. I say the doctrine is alarming to the free States because the next step will be to provide that the slave goes not only into the Territories of the United States, but that he may be held in the States after they come in as States.

The day is not far distant, in my judgment, when slavery will claim extension into the old States over which the Constitution is the supreme law, and the time may come when the Senator from Georgia [Robert Toombs], as he boasted some two or three or four years ago, may call the roll of his slaves around the monument on Bunker Hill.

SENATOR TOOMBS.—The Senator from New Hampshire [Mr. Clark] made some allusion to me. I want to know where he got that statement? A contradiction has been in the newspapers three times. It seems to be your policy to make such statements, however.

SENATOR CLARK.—I beg the Senator's pardon. I have never seen the contradiction.

SENATOR TOOMBS.—The Senator ought to have some authority for such a statement as he has made.

SENATOR CLARK.—I have seen it several times, and it would not be surprising if I did not now recollect the precise place in which I had seen it.

SENATOR TOOMBS.—You may have seen it in the New York *Tribune*—a journal which is the general receptacle of all falsehoods.

SENATOR CLARK.—I am glad to hear that the Senator from Georgia did not utter that sentiment. I am glad to be corrected.

But, sir, bold, alarming, and contrary to the policy and history of the legislation of this Government as the doctrine of this resolution is, if it is to be seriously contended for and adopted by the Democratic party, as it will be if the South demand it, I am glad it is here. In the language of one of the Senators from Mississippi [Mr. Brown], "We do not want to cheat or to be cheated." Let us understand each other. The Democracy, at least the Southern wing of it, and a portion of the Northern, declare that the Constitution carries slavery into all of the Territories of the United States, or, what is equivalent, that, under the Constitution, the slave master has a right to take his slave into a Territory of the United States; and if the laws there are not sufficient to protect him in the enjoyment of that so-called right of property, the people of the Territory should pass laws to secure it; and, the people of the Territory failing to do it, Congress should do it unless the courts should have sufficient power; thus making Congress the guardian and protector of slavery in all the Territories of the United States; in fact, establishing it there.

From this construction of the Constitution the Republicans dissent. To prevent the extension of slavery into the Territories of the Federal Government is a cardinal object with the Republican party. The repeal of the Missouri compromise, which had stood as a sentinel for more than thirty years to guard the territory north of 36° 30′ north latitude from the aggressions of the slave power, revealed its design to spread slavery into

all the Territories of the Union, and roused the determination in millions of hearts to prevent it.

From that determination, like Minerva from the head of Jove, fully matured, and armed with unflinching purpose and iron will, the Republican party sprang into existence to prevent the accomplishment of that design. Stigmatizing it as a relic of barbarism, it avows its purpose to confine it in its present limits; and if then it shall become unprofitable, "be smothered," to use the language of the Senator from Illinois [Mr. Douglas], and "die out," it will only the sooner bring the accomplishment of the earnest desires and expectation of the founders of this Government. They will rejoice at it.

To prevent the extension of slavery in the Territories I have said was a cardinal object of the Republican party; but when I say this I deny that it attempts, or seeks to attempt, by any action of the general Government, to interfere with it in the States where it exists. It is a matter beyond the control of such action. But when I say this let it be understood also that vast numbers of those who comprise the Republican party, and of those who sympathize with it, deny the right of any man or body of men to hold or establish property in man; and they will discuss the institution of slavery, and hold it up as a moral, social, and political evil, as ruinous to the prosperity and population of the States where it exists, as a clog to their progress, as an enemy to the Union, and a reproach to free governments; and, therefore, an evil to be excluded from the Territories. They will discuss it because it is sought to be extended. They do not forget nor underrate the force of public opinion; they know that legislatures and States acknowledge its power, and are swayed and controlled by it; that neither Virginia nor Mississippi will long have slaves when public opinion demands their emancipation. They will, therefore, labor to guide and strengthen that public opinion by the school, the pulpit, and the press; by writing and by oral speech; by the public journal and the periodical; by exhibition of the benefits of free labor, and by every proper means, until the master himself, seeing the vast benefits of free labor, and the rapid progress of free States, feeling the force of the fundamental axiom of Jefferson, "that all men are entitled to life, liberty, and the pursuit of happiness," and knowing the manifold injustice of a system which is evil, and "that continually" shall remove the "hooks of steel" which have "grappled" slavery to the social and political system.

In the language of Mr. Webster, in 1847, and repeated in his 7th of March speech of 1850:

"We are to use the first, and last, and every opportunity which offers, to oppose the extension of the slave power."

Make slavery extension and protection in the Territories the issue and we will meet you upon it. Take a slave code for your platform, or make it a plank in it, and you will convert it into a plate of red-hot steel, upon which no Northern man can stand. Reveal and publish such to be your purpose and the history of the end of Northern Democracy shall be as short and graphic as that of the Chaldean monarch—

"In that night was Belshazzar, the king of the Chaldeans, slain."

The Senator from Virginia [Mr. Hunter] said in his speech a few days since:

"If I am right, Mr. President, we see here a mass of vast and associated interests which mutually contribute to the support of each other, constituting, if I may use the simile, a mighty arch which, by the concentrated strength and by the mutual support of its parts, is able to sustain such a social superstructure as perhaps is unparalleled in the history of man—and is it not obvious, too, that the very keystone of this arch consists in the black marble cap of African slavery. Knock that out, and the mighty fabric, with all that it upholds, topples and tumbles to its fall."

Mr. President, if this be so, we are committing a great mistake. There now stands in the old Hall of Representatives a female figure of *white* marble. Her eye is elevated, and her attitude unconstrained and easy. In one hand she holds a shield, and in the other a sword. Upon the pedestal is inscribed the irrepressible-conflict word "Freedom"; and it is designed for the top of the dome of the Capitol. But if the Senator is right it should not be placed there. It should be broken; and her image should be made of black marble or ebony; upon its hands should be manacles; upon the front the brand of a slave; and it should be elevated upon the highest point on the nation's legislative halls; yea, over the very sittings of the Supreme Court, as an index to all who behold, that the "cap-stone," the "crowning glory" of the mighty fabric of human rights and self-government is this poor miserable victim of "wrong, cruelty, and oppression"—the African slave!

Has it come to this, then, that our fathers counseled and toiled and fought for the inestimable, inalienable rights of man, and that the highest, most valuable of them all—that without which the others would not be worth preserving, and must perish—is the right to hold a negro in slavery?

But, Mr. President, this is not so. The Senator is not right. Slavery is not the key-stone of this arch; it would not fall if it were removed. It may better be compared to an unsteady, rolling cobble-stone admitted into the structure, which causes it sometimes to tremble; but which, skillfully removed, or secured in its place, the whole may stand securely.

Let not, then, the image be broken. Let it rise into its place. Let it surmount the dome of this Capitol. Let it bear the sword and shield. Let the free man look to it with gratitude and mingled shame and admiration; the bondman with hope and faith; and let it symbolize that higher state of civilization and equal self-government, when all nations and all races, each in its proper place, but all free, shall form one mighty, well-adjusted temple, whose crowning glory shall be "equal and exact justice to all men."

On May 7, 1860, a week following the Charleston [S. C.] Democratic convention (for an account of which see the following chapter), Senator Jefferson Davis [Miss.] said:

"It is well known to those who have been associated with me in the two Houses of Congress that, from the commencement of the question, I have been the determined opponent of what is called squatter sovereignty. I never gave it countenance, and I am now least of all disposed to give it quarter. In 1848 it made its appearance for good purposes. It was ushered in by a great and good man [Lewis Cass]. He brought it forward because of that distrust which he had in the capacity of the Government to bear the rude shock to which it was exposed. His conviction, no doubt, to some extent sharpened and directed his patriotism, and his apprehension led him to a conclusion to which, I doubt not, to-day he adheres as tenaciously as ever; but from which it was my fortune, good or ill, to dissent when his letter [the Nicholson letter] was read to me in manuscript; I being, together with some other persons, asked whether or not it should be sent. At the first blush I believed it to be a fallacy —a fallacy fraught with mischief; that it escaped an issue which was upon us which it was our duty to meet; that it escaped it by a side path, which led to danger. I thought it a fallacy which would surely be exploded. I doubted then, and still more for some time afterward, when held to a dread responsibility for the position which I occupied—I doubted whether I should live to see that fallacy exploded. It has been. *Let Kansas speak*

—*the first great field on which the trial was made. What was the consequence? The Federal Government withdrawing control, leaving the contending sections, excited to the highest point upon this question, each to send forth its army. Kansas became the battlefield, and Kansas the cry which well-nigh led to civil war. This was the first fruit.* More deadly than the fatal upas, its effect was not limited to the mere spot of ground on which the dew fell from its leaves, but it spread throughout the United States; it kindled all which had been collected for years of inflammable material. It was owing to the strength of our Government and the good sense of the quiet masses of the people that it did not wrap our country in one widespread conflagration.

"What right had Congress then, or what right has it now, to abdicate any power conferred upon it as trustee of the States?

"In 1850, following the promulgation of this notion of squatter sovereignty, we had the idea of non-intervention introduced into the Senate of the United States, and it is strange to me how that idea has expanded. It seems to have been more malleable than gold, to have been hammered out to an extent that covers boundless regions undiscovered by those who proclaimed the doctrine. Non-intervention then meant, as the debates show, that Congress should neither prohibit nor establish slavery in the Territories. That I hold to now. Will any one suppose that Congress then meant by non-intervention that Congress should legislate in no regard in respect to property in slaves? Why, sir, the very acts which they passed at the time refute it. There is the Fugitive Slave Law, and that abomination of law which assumed to confiscate the property of a citizen who should attempt to bring it into this District with intent to remove it at some other time to some other place, and there to sell it. Congress acted then upon the subject, acted beyond the limits of its authority as I believed, confidently believed; and if ever that act comes before the Supreme Court I feel satisfied that they will declare it null and void.

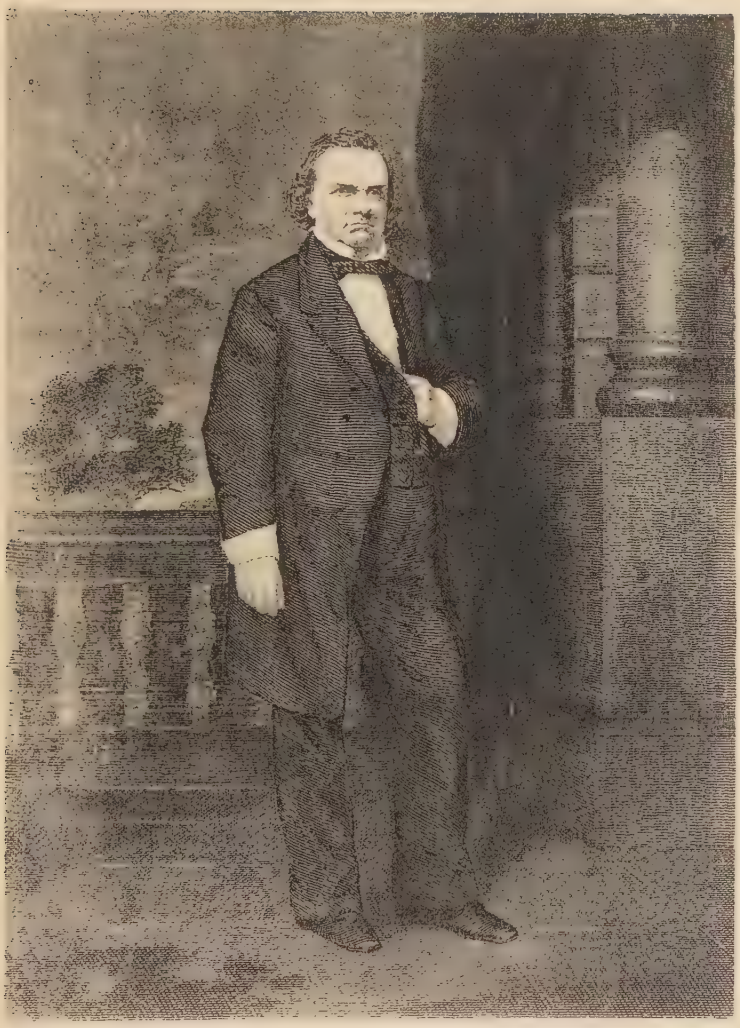
"By what species of legerdemain this doctrine of non-intervention has come to extend to a paralysis of the Government on the whole subject, to exclude the Congress from any kind of legislation whatever, I am at a loss to conceive. Certain it is, it was not the theory of that period, and it was not contended for in all the controversies we had then. I had no faith in it then; I considered it a sham; I considered that the duty of Congress ought to be performed; that the issue was before us, and ought to be met, the sooner the better; that truth would prevail if pre-

sented to the people; borne down to-day, it would rise up to-morrow; and I stood then on the same general plea which I am making now. The Senator from Illinois [Mr. Douglas] and myself differed at that time, as we do now."

On May 15 and 16 Senator Douglas replied as follows to Senator Davis:

The facts stated in the speech of the Senator from Mississippi conclusively show that the doctrine of squatter sovereignty, or popular sovereignty, or non-intervention, as the Senator has indifferently styled it in different parts of his speech, did not originate with me in its application to the Territories of the United States; that it was distinctly proclaimed by General Cass in what is known as his Nicholson letter; that the issue was then distinctly presented to the country in the contest of 1848; that General Cass became the nominee of the Democratic party with a full knowledge of his opinions upon the question of non-intervention; that he was supported by the party on that issue; that the same doctrine of non-intervention was incorporated into the compromise measures of 1850, in opposition to the views and efforts of the Senator from Mississippi, and in harmony with the views and efforts of myself; that it was reaffirmed by the Democratic party in the Baltimore convention of 1852; that General Pierce was elected President of the United States upon this same doctrine of non-intervention; that it was again affirmed by the Congress of the United States in the Kansas-Nebraska bill of 1854; and that it had its first trial, and yielded its first fruits, upon the plains of Kansas in 1855 and 1856.

These facts conclusively disprove and refute the charges so often made in the Senate Chamber within the last year, so erroneously and so unjustly made against me, that I have changed my opinions in regard to this question since 1856. The Senator from Mississippi has done me a service: he has searched the records with a view to my condemnation, and the result of his researches is to produce the most conclusive and incontestable evidence that this charge of having changed my opinions on this question, which was made the pretext for my removal from the Committee on Territories, was not true. He tells you frankly, what the world knew before, that he had always opposed this doctrine of non-intervention; that he and I always differed upon that point. He always regarded it as a fallacy; I as a sound principle. He claims that, after it has yielded its



S. A. Douglas

blighting effects upon the plains of Kansas, the Supreme Court has come to the rescue, and that he now is triumphantly sustained in his opposition to this doctrine in 1848, 1850, and 1851. Sir, whether we have been sustained and our consistency vindicated is not so material as to find out which is right in the point at issue, then and now, between the Senator from Mississippi and myself.

The country has been informed that I was removed from the post of chairman of the Committee on Territories, in 1858, because I uttered at Freeport, Illinois, the identical sentiments contained in the speeches and letters of acceptance of Mr. Buchanan and Mr. Breckinridge in 1856. I do not complain of my removal from the committee. I acknowledge that, if it be true that my opinions were so heretical that I did not fairly and honestly represent the sentiments of the Senate on these great questions, it was right to displace me and put a man there who did. But when you displace me for that reason, do not charge that I have changed, when the fact is that you have changed your own opinions.

Now, sir, there is a difference of opinion, it seems, on this question, between me and a majority of the Democratic Senators. It was painful to me to find that this difference of opinion had grown up, and that they had determined to make this new test by which my orthodoxy was to be questioned, and I was to be branded as a heretic. While I regretted that determination on the part of some political friends here, I cannot recognize, and do not now recognize, the right of a caucus of the Senate, or of the House, to prescribe new tests for the Democratic party. Senators are not chosen for the purpose of making party platforms. Under our political system there has grown up an organization known as a national convention, composed of delegates elected fresh from the people, to assemble once in four years to establish a platform for the party and select its nominees. The Cincinnati platform was the only authoritative exposition of Democratic faith until the Charleston convention met. I have stood firmly, faithfully, by the Cincinnati platform, and have looked confidently to the Charleston convention to find it reaffirmed. You gentlemen who differ with me agreed to appeal to Charleston as the grand council that should decide all differences of political opinion between you and me. I agreed, also, to look to the Charleston convention as the representatives of the party assembled from every State in the Union; and after great deliberation, three days' debate in committee, and a very elaborate and able debate in full convention, the party deter-

mined, by an overwhelming majority, in favor of the readoption of the Cincinnati platform.

Therefore I am no longer a heretic. I am no longer an outlaw from the Democratic party. I am no longer a rebel against the Democratic organization. The Charleston convention repudiated this new test, contained in the Senate caucus resolutions, by a majority of twenty-seven, and affirmed the Cincinnati platform in lieu of it. Then, so far as the platform is concerned, I am sustained by the party—the only authority on earth which, according to Democratic usages, can determine the Democratic creed. The question now is whether my friend from Mississippi will again acquiesce in the decisions of his party upon the platform which they have adopted, or is he going to retire from the party, bolt its nominations, break it up, because the party has concluded not to change from its position of 1856. Are my friends around me here going to desert the party because the party has not changed as suddenly as they have?

The party decided at Charleston also that I was the choice of the Democratic party of America for the Presidency of the United States, giving me a majority of fifty votes over all the other candidates combined; and yet my Democracy is questioned. [Laughter.] So far as I am individually concerned I want no further or higher indorsement. My friends who know me best know that I had no personal desire or wish for the nomination; know that I prefer a seat in the Senate for six years to being President, if I could have the nomination, and be elected by acclamation; and know that my name never would have been presented at Charleston except for the attempt to proscribe me as a heretic, too unsound to be the chairman of a committee in this body, where I have held a seat for so many years without a suspicion resting on my political fidelity.

I was forced to allow my name to go there in self-defence; and I will now say that had any gentleman, friend or foe, received a majority of that convention over me, the lightning would have carried a message withdrawing my name from the convention. I have not lust enough for office to desire to be the nominee against the known wishes and first choice of a majority of my party. In 1852, the instant Franklin Pierce had a majority vote, the telegraph carried my message congratulating him as the choice of the party; and it was read in the convention before the vote was announced. In 1856, the instant Mr. Buchanan received a majority vote, the lightning carried my message that James Buchanan, having received a majority of the votes of the party, in my opinion, was entitled to the nomination,

and that I hoped my friends would give him the requisite two-thirds, and then make the vote unanimous. Sir, I would scorn to be the standard-bearer of my party when I was not the choice of the party. All the honors that a national convention can confer are embraced in the declaration of their first choice for their standard-bearer, repeated on fifty-seven ballots. I ask nothing more. The party will go on and do what its own interest and its own integrity may require.

But, sir, I do rejoice that this good old Democratic party, the only organization now left sufficiently national and conservative in its principles and great in its numbers to preserve this Union, has determined to adhere to the great principle of non-intervention by the Federal Government with the domestic affairs of distant Territories and provinces. It is a pleasing duty to me to defend this glorious old party against those who would destroy it because the party will not change its platform to suit their purposes. The leadership at Charleston, in this attempt to divide and destroy the Democratic party, was intrusted to appropriate hands. No man possessed the ability, or the courage, or the sincerity in his object, for such a mission, in a higher degree than the gifted Yancey. He has a right to feel proud of his achievements at Charleston. In 1848, at Baltimore, he proclaimed the same doctrine, and failed to get a State to stand by him in seceding; there his doctrines were repudiated. Boldly and fearlessly he put his protest on record against the doctrine of non-intervention, and withheld his assent to the support of the nominee, because he conscientiously believed that the South ought to insist on the doctrine of intervention by Congress in support of slavery in the Territories, when the people did not want it. Overruled by five or ten to one in Baltimore in 1848, overruled unanimously at Baltimore in 1852, in 1856 he concluded that perhaps he would make a virtue of necessity, and submit to non-intervention; and he got up instructions in favor of non-intervention, and succeeded in putting it in the platform in 1856. But very soon he came to the conclusion that this great Democratic party was not competent to preserve and maintain the rights of the South under the Constitution. He came to the conclusion that it was time for them to institute some other organization for the maintenance of Southern rights. That he was conscientious and sincere in his views I do not doubt; but that they lead directly, inevitably, to a dissolution of the Union, and the formation of a Southern confederacy, if carried out, I think is beyond all question. Doubtless many Senators have seen the letter of Mr. Yancey to Mr. Slaughter, of the date of June 15,

1858, upon the subject of "precipitating the cotton States into revolution." In order that the Senate and the country may see that I do Mr. Yancey full justice I shall have the whole letter read.

MONTGOMERY, June 15, 1858.

DEAR SIR: Your kind letter of the 15th is received.

I hardly agree with you that a general movement can be made that will clear out the Augean stable. If the Democracy were overthrown, it would result in giving place to a greater and hungrier swarm of flies.

The remedy of the South is not in such a process. It is in a diligent organization of her true men for the prompt resistance to the next aggression. It must come in the nature of things. No national party can save us; no sectional party can ever do it. But if we could do as our fathers did —organize "committees of safety" all over the cotton States (and it is only in them that we can hope for any effective movement)—we shall fire the Southern heart, instruct the Southern mind, give courage to each other, and, at the proper moment, by one organized, concerted action, we can precipitate the cotton States into a revolution.

The idea has been shadowed forth in the South by Mr. Ruffin; has been taken up and recommended by the *Advertiser*, under the name of "League of United Southerners," who, keeping up their old party relations on all other questions, will hold the Southern issue paramount, and will influence parties, legislatures, and statesmen. I have no time to enlarge, but to suggest merely.

In haste, yours, etc.,

W. L. YANCEY.

SENATOR DOUGLAS.—That letter, it is due to Mr. Yancey to state, was intended as a private letter to his friend, Mr. Slaughter, and was published without his authority. Having been republished and severely commented upon by the editor of the Richmond *South*, Mr. Yancey addressed a letter to Mr. Roger A. Pryor, in which he declared that it was a private letter, written in the freedom and carelessness of private confidence, and was subject to hostile criticism. Therefore, he proceeded to explain more fully what his views were upon the question. I have endeavored to obtain an entire and perfect copy of this letter to Mr. Pryor, without success. I find, however, a long extract, embodying probably the whole of its material parts, in the *National Intelligencer* of September 4, 1858, which, I have no doubt, gives a fair representation of Mr. Yancey's opinions. In the forepart of the letter Mr. Yancey says: "to be candid, I place but little trust in such States as Delaware, Maryland, Tennessee, Kentucky, and Missouri." He then proceeds to give his reason why he cannot trust them. Delaware he regards as nominally a slave State, but substantially anti-slavery. On that he differs in opinion from the distinguished Senator from Delaware [Mr. Bayard], who thinks that Delaware has such an in-

terest in slavery that it is worth while to break up the Democratic party on account of slavery. [Laughter.] But Mr. Yancey has not much trust in Delaware and Maryland. He cannot trust Maryland because, he says, she keeps Abolitionists in Congress. Then, he says, he cannot trust Missouri because she, for a long time, sustained a Free-Soiler in the Senate, and afterward in the House of Representatives—alluding to Colonel Benton. Then, he says, he cannot trust Tennessee because she kept an Abolitionist here in the Senate so long, and reëlected him; and, besides, he says Tennessee never had his confidence; a Methodist conference refused to expunge certain anti-slavery opinions which John Wesley had inserted into the ritual. He cannot trust Kentucky because Kentucky, for so many years, sustained such Free-Soilers as Clay and Crittenden! [Laughter.] He then says:

"It is equally true that I do not expect Virginia to take any initiative steps toward a dissolution of the Union when that exigency shall be forced upon the South. Her position as a border State, and a well-considered Southern policy (a policy which has been digested and understood, and approved by the ablest men in Virginia, as you yourself must be aware), would seem to demand that, when such movement takes place by any considerable number of Southern States, Virginia and the other border States should remain in the Union, where, by their position and their counsels, they could prove more effective friends than by moving out of the Union, and thus giving to the Southern confederacy a long Abolition hostile border to watch. In the event of the movement being successful, in time Virginia, and the other border States that desired it, could join the Southern confederacy and be protected by the power of its arms and its diplomacy."

So it seems that, in 1858, a well-digested plan had been matured and approved by many of the ablest men of the South, and even in Virginia; and that by that plan it was not expected that Virginia, and these other unsound border States, were to go out of the Union when the South was forced to dissolve—using the word "forced." A very enviable position Mr. Yancey puts the Old Dominion in! He wishes to retire from you, and asks you to remain with us, in order that you may annoy and distract and betray us, for the benefit of those that go out; and he holds out the assurance that, in the course of time, perhaps Virginia and Maryland and Kentucky and Tennessee and Missouri may become sound enough to be admitted into the Southern confederacy. He is going to keep you on probation a while, guarding

a long Abolition frontier, for the benefit of the cotton States; and after a while, perhaps, if you do good service, and so act as to be entitled to his respect and confidence, then he will admit you into this Southern confederacy of the cotton States!

Mr. Yancey tells us of the "well-digested plan." It was not to be executed at once; and in the meantime all the men in the plan must preserve their relations in the Democratic party, so as to influence public men and public measures, and thus be ready to have some influence by precipitating this result on the party, and breaking it up. Part of the plan was to pretend still to be members, keep in the party, go into fellowship with us, seem anxious to preserve the organization, and at the proper time plunge the cotton States into revolution. What was the auspicious moment, that proper time, to which he alluded? Was it at the Charleston convention? Was that the proper time? The history of the event shows that Mr. Yancey there acted up to his program announced in his letters to Slaughter and Pryor. He preserved his relations with his party with a view of exercising influence on public men and measures, over Northern as well as Southern men, and finally proposed an intervention platform, reversing the creed of the party, and "at the proper time" he did precipitate the cotton States into revolution, and led them out of the convention. The program was carried out to the letter! and he did leave in the convention those unsound States that he could not trust, such as Virginia and Tennessee and Kentucky and Missouri and North Carolina and Delaware and Maryland. Part of Delaware, I believe, followed him; but they came to the conclusion that Delaware was not big enough to divide. [Laughter.] Her champion returned back into the Northern confederacy. Was it to keep watch, and guard an Abolition frontier for the benefit of the cotton States? Is Delaware to be received into Mr. Yancey's Southern confederacy after a while? Will he consent to allow Virginia to come? Will North Carolina be accepted by him? Will Tennessee be permitted to come in now that she has got rid of her Free-Soil Senator? Will he allow Kentucky to join when such Abolitionists as Clay and Crittenden have ceased to represent her? I beg the pardon of the Senator from Kentucky for repeating his name in this connection. The gallant Senator from Kentucky an Abolitionist! A Free-Soiler! A man whose fame is as wide as civilization, whose patriotism, whose loyalty to the Constitution was never questioned by men of any party! [Applause in the galleries.] Oh, with what devotion could I thank God if every man in America was just such an Abolitionist as

Henry Clay and John J. Crittenden! [Renewed applause in the galleries.]

THE PRESIDING OFFICER (Mr. Foot).—Order!

SENATOR DOUGLAS.—I wish to God that the whole American people were just such Abolitionists as Clay and Crittenden. [Applause in the galleries.] I do not say that Mr. Yancey and his associates at Charleston mean disunion. I have no authority for saying any more than appears in the publication of his matured plan. Sir, it was said with truth that the order of battle issued at Cerro Gordo by General Scott a day before the battle was a complete history of the triumph after the battle was over, so perfect were his arrangements, so exact was the compliance with his orders. The program of Mr. Yancey, published two years ago, is a truthful history of the secession movement at Charleston. I have not the slightest idea that all those who came under his influence in maturing his measures concurred in the ends to which these measures inevitably led; but what were Mr. Yancey's measures? He proposed to insist upon a platform identical in every feature with the caucus resolutions which we are now asked to adopt. The Yancey platform at Charleston, known as the majority report from the committee on resolutions, in substance and spirit and legal effect was the same as the Senate caucus resolutions; the same as the resolutions now under discussion, and upon which the Senate is called upon to vote.

I do not suppose that any gentleman advocating this platform in the Senate means or desires disunion. I acquit each and every man of such a purpose; but I believe, in my conscience, that such a platform of principles, insisted upon, will lead directly and inevitably to a dissolution of the Union. This platform demands congressional intervention for slavery in the Territories in certain events. What are these events? In the event that the people of a Territory do not want slavery, and will not provide by law for its introduction and protection, and that fact shall be ascertained judicially, then Congress is to pledge itself to pass laws to force the Territories to have it. Is this the non-intervention to which the Democratic party pledged itself at Baltimore and Cincinnati? So long as the people of a Territory want slavery, and say so in their legislation, the advocates of the caucus platform are willing to let them have it, and to act upon the principle that Congress shall not interfere. They are for non-interference so long as the people want slavery, so long as they will provide by law for its introduction and protection; but the moment the people say they do not want it, and will not have it, then Congress must intervene and force the institution

on an unwilling people. On the other hand, the Republican party is also for non-intervention in certain contingencies. The Republicans are for non-intervention just so long as the people of the Territories do not want slavery, and say so by their laws. So long as the people of a Territory prohibit slavery the Abolitionists are for non-intervention, and will not interfere at all; but whenever the people of the Territories say by their legislation that they do want it, and provide by law for its introduction and protection, then the Republicans are for intervening and for depriving them of it. Each of you is for intervention for your own section, and against it when non-intervention operates for your section. There is no difference in principle between intervention North and intervention South. Each asserts the power and duty of the Federal Government to force institutions upon an unwilling people. Each denies the right of self-government to the people of the Territory over their internal and domestic concerns. Each appeals to the passions, prejudices, and ambition of his own section, against the peace and harmony of the whole country.

Sir, let this doctrine of intervention North and intervention South become the rallying point of two great parties, and you will find that you have two sectional parties, divided by that line that separates the free from the slaveholding States. Whenever this shall become the doctrine of the two parties you will find a Southern intervention party for slavery, and a Northern intervention party against slavery; and then will come the "irrepressible conflict" of which we have heard so much.

We are told that the necessary result of the doctrine of non-intervention, which gentlemen, by way of throwing ridicule upon it, call squatter sovereignty, is to deprive the South of all participation in what they call the common Territories of the United States.

That was the ground on which the Senator from Mississippi [Mr. Davis] predicated his opposition to the compromise measures of 1850. He regarded a refusal to repeal the Mexican law as equivalent to the Wilmot proviso; a refusal to recognize by an act of Congress the right to carry a slave there as equivalent to the Wilmot proviso; a refusal to deny to the territorial legislature the right to exclude slavery as equivalent to an exclusion. He believed at that time that this doctrine did amount to a denial of Southern rights; and he told the people of Mississippi so; but they doubted it. Now, let us see how far his theory and suppositions have been verified. I infer that he told the people of Mississippi so, for as he makes it a charge in his

bill of indictment against me that I am hostile to Southern rights, because I gave those votes.

Now, what has been the result? My views were incorporated into the compromise measures of 1850, and his were rejected. Has the South been excluded from all the territory acquired from Mexico? What says the bill from the House of Representatives now on your table, repealing the slave code in New Mexico established by the people themselves? It is part of the history of the country that under this doctrine of non-intervention, this doctrine that you delight to call squatter sovereignty, the people of New Mexico have introduced and protected slavery in the whole of that Territory. Under this doctrine they have converted a tract of free territory into slave territory, more than five times the size of the State of New York. You asked only up to 36° 30′, and non-intervention has given you slave territory up to 38°, a degree and a half more than you asked; and yet you say that that is a sacrifice of Southern rights!

These are the fruits of this principle, which the Senator from Mississippi regards as hostile to the rights of the South. Where did you ever get any other fruits that were more palatable to your taste, or more refreshing to your strength? What other inch of free territory has been converted into slave territory on the American continent, since the Revolution, except in New Mexico and Arizona, under the principle of non-intervention affirmed at Charleston? If it be true that this principle of non-intervention has conferred upon you all that immense Territory; has protected slavery in that comparatively northern and cold region where you did not expect it to go, cannot you trust the same principle further south when you come to acquire additional territory from Mexico? Are you not satisfied with these practical results? Do you desire to appeal from the people of the Territories to the Congress of the United States to settle this question in the Territories? When you distrust the people and appeal to Congress, with both Houses largely against you on this question, what sort of protection will you get? Whenever you ask a slave code from Congress to protect your institutions in a Territory where the people do not want it you will get that sort of protection which the wolf gives to the lamb; you will get that sort of friendly hug that the grizzly bear gives to the infant. Appealing to an anti-slavery Congress to pass laws of protection, with a view of forcing slavery on an unwilling and hostile people! Sir, of all the fatal schemes that ever could be devised by the South or by the enemies of the South, that which recognizes the right of Congress to touch the

institutions of slavery, either in States or Territories, beyond the single case provided in the Constitution for the rendition of fugitive slaves, is the most fatal.

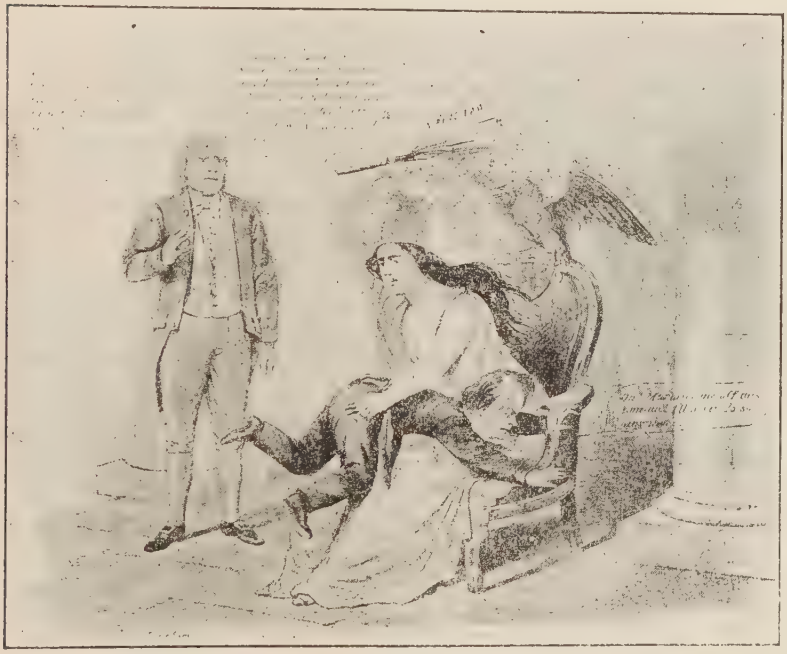
Mr. President, this morning, before I started for the Senate Chamber, I received a newspaper containing a letter written by one of Georgia's gifted sons upon this question of non-intervention. I allude to one of the brightest intellects that this nation has ever produced; one of the most useful public men; one whose retirement from among us created universal regret throughout the whole country. You will recognize at once that I mean Alexander H. Stephens, of Georgia. Since the adjournment of the Charleston convention Mr. Stephens has responded to a letter from his friends, giving his counsel—the counsel of a patriot—to the party and the country in this emergency. In the letter he reviews the doctrine of non-intervention, and shows that he was originally opposed to it, but submitted to it because the South demanded it; that it had a Southern origin; is a Southern doctrine; was dictated to the North by the South; and he accepted it because the South required it. He shows that the same doctrine was incorporated in the Kansas-Nebraska bill, that it formed a compact of honor between Northern and Southern men by which we were all bound to stand. He gives a history of the Kansas-Nebraska bill identical with the one I gave to you yesterday, without knowing that he had written such a letter. Mr. Stephens has a right to speak as to the meaning of the Kansas-Nebraska bill. No man in the House of Representatives exerted more power and influence in securing its passage than Alexander H. Stephens. I ask that the whole of his letter, long as it is, be read, for it covers the entire ground, and speaks in the voice of patriotism, counseling the only course that can preserve the Democratic party and perpetuate the union of these States.

The letter of Mr. Stephens was then read. It closed as follows:

There is a tendency everywhere, not only at the North, but at the South, to strife, dissension, disorder, and anarchy. It is against this tendency that the sober-minded and reflecting men everywhere should now be called upon to guard.

My opinion, then, is that delegates ought to be sent to the adjourned convention at Baltimore. The demand made at Charleston by the seceders ought not to be insisted upon. Harmony being restored on this point, a nomination can doubtless be made of some man whom the party everywhere can support, with the same zeal and the same ardor with which they entered and waged the contest in 1856, when the same principles were involved.

If, in this, there be a failure, let the responsibility not rest upon us. Let our hands be clear of all blame. Let there be no cause for casting censure at our door. If, in the end, the great national Democratic party—the strong ligament which has so long bound and held the Union together, shaped its policy and controlled its destinies, and to which we have so often looked with a hope that seldom failed, as the only party North on which to rely in the most trying hours when constitutional rights were in peril—if it goes down, let it not be said to us, in the midst of the disasters that may ensue, "you did it!" In any and every event, let not the reproach of Punic faith rest upon our name. If everything else has to go down, let our untarnished honor, at least, survive the wreck.



STEPHEN FINDING "HIS MOTHER"

*From the collection of the New York Historical Society*

Mr. Stephens has said, what I think he was bound to say as a patriot and a Democrat, that the Cincinnati platform is all that the South ought to ask or has a right to ask, or that her interests require in this emergency. On that platform the party can remain a unit, and present an invincible and irresistible front to the Republican or Abolition phalanx at the North. So certain as you abandon non-intervention and substitute intervention, just so certain you yield a power into their hands that will sweep the Democratic party from the face of the globe.

The discussions upon the Brown and Davis resolutions chiefly occupied the Senate throughout the remainder of the session; they extended to all the important phases of the slavery question as these developed into special issues in the course of the campaign (the various parties holding their conventions while Congress was in session). Dr. Hermann von Holst, in his "Constitutional History of the United States," says:

> "The debates on the Davis resolutions, to which American historians have hitherto paid scarcely any attention, are of much greater importance for the right understanding of the irrepressibleness of the conflict than the numberless compromise proposals and the endless negotiations between the Federal Executive and the seceded States which they never tire of following into the remotest details, although quite a voluminous library has been written on them."

On May 24, a vote was reached on Senator Davis' resolutions, and they were passed by a strict party vote, approximately 36 to 20 votes, the latter being the full strength of the Republicans in the Senate. On the fourth resolution, that which sounded the death-knell to Senator Douglas' theory of "unfriendly legislation" against slavery in the Territories, George E. Pugh [O.], a Douglas Democrat, voted with the Republicans. Senator Douglas was absent, through sickness, during the balloting.

# CHAPTER VIII

## Slavery in the Territories

### [The issue in the presidential campaign of 1860]

The Charleston Democratic Convention—Debate on Platform Between William L. Yancey [Ala.], *et al.*, and Senator George E. Pugh [O.]—Withdrawal of Southern Delegations—Convention Adjourns to Baltimore—The Constitutional Union Convention Nominates John Bell [Tenn.] and Edward Everett [Mass.]—Abraham Lincoln [Ill.] Looms Up as a Candidate for the Republican Nomination—His Speech at Cooper Union, New York, on "Slavery as the Fathers Viewed It"—The Republican Convention at Chicago Nominates Abraham Lincoln [Ill.] and Hannibal Hamlin [Me.]—Its Platform—The Adjourned Democratic Convention at Baltimore—Douglas Delegates of the Contesting Delegations Are Seated—Southern Delegates Withdraw—Stephen A. Douglas [Ill.] and Herschel V. Johnson [Ga.] Are Nominated on a "Popular Sovereignty" Platform, Supplemented by a Resolution Submitting to Any Adjudication of the Question Which Might Be Made by the Supreme Court—Seceding Delegates Hold a Convention in Maryland Institute, Baltimore—They Nominate John C. Breckinridge [Ky.] and Joseph Lane [Ore.] on the Charleston Minority Platform—Summary of the Issues of the Campaign by Horace Greeley—Election of Lincoln and Hamlin.

ON April 23, 1860, the National Democratic Convention met at Charleston (S. C.). The Southern element early showed its power: Caleb Cushing [Mass.] who, as Attorney-General under Pierce, had declared the Missouri Compromise unconstitutional, was elected chairman, and the majority of the committee on platform brought forward a resolution inspired by William L. Yancey [Ala.], denying the doctrine of "unfriendly legislation" and proposing to establish the principle of the Dred Scott decision by positive legislation. The minority of the committee reported in favor of simply reaffirming the Cincinnati platform of 1856.

In the debate in the convention upon the platform

Mr. Yancey and other Southern delegates took the position that the election of President Buchanan had been accomplished by a shuffling platform which was interpreted one way in the South and another way in the North, and that the South would not stand for a repetition of such double dealing but was determined to assert its constitutional right to carry its property into the Territories. Therefore the South demanded that the convention take a "step in advance" upon the question of slavery.

"We shall now succeed in a clear exhibition of our principles, or not at all. If gentlemen of the North insist on a 'squatter sovereignty' platform in face of its condemnation by the Supreme Court in its Dred Scott decision, it is you, and not we, who will be responsible for the dissolution of the Democratic party, and, indeed, of the Union itself, since it is the unity of the Democratic party that alone holds the North and South together."

To this Senator George E. Pugh [O.] responded:

"Thank God that a bold and honest man [Mr. Yancey] has at last spoken, and told the whole truth with regard to the demands of the South. It is now plainly before the Convention and the country that the South *does* demand an advanced step from the Democratic party." Mr. Pugh here read the resolves of the Alabama Democratic State Convention of 1856, to prove that the South was *then* satisfied with what it now rejects. He proceeded to show that the Northern Democrats had sacrificed themselves in battling for the rights of the South, and instanced one and another of the delegates there present, who had been defeated and thrown out of public life thereby. He concluded: "And now the very weakness thus produced is urged as a reason why the North should have no weight in forming the platform! The Democracy of the North are willing to stand by the old landmarks—to reaffirm the old faith. They will deeply regret to part with their Southern brethren. But if the gentlemen from the South can only abide with us on the terms they now propound *they must go.* The Northwest must and will be heard and felt. The Northern Democrats are not children, to be told to stand here—to stand there—to be moved at the beck and bidding of the South. Because we are in a minority on account of our fidelity to our constitutional obligations we are told, in effect,

that we must put our hands on our mouths, and our mouths in the dust.[1] Gentlemen," said Mr. Pugh, "you mistake us—*we will not do it.*"

On April 30, by a vote of 165 to 138, the convention adopted the minority report.

Thereupon the delegations from Alabama, Mississippi, South Carolina, Florida, Texas, Georgia, and Arkansas, all but two delegates from Louisiana, and two delegates from Delaware withdrew from the convention.

It was then decided by the chairman that the remaining delegates elect the nominees for President and Vice-President by a two-thirds vote of the delegates including the seceded members. This meant that the votes of 202 out of 252 delegates present were required to elect. After 57 fruitless ballots in which Stephen A. Douglas [Ill.] obtained a maximum vote of 152½, the convention adjourned on May 3 to meet at Baltimore on June 18, having previously ordered the States with seceding delegates to fill the vacancies.

In the meantime the seceders had held a convention of their own which was presided over by James A. Bayard, Jr. [Del.]; it adjourned to meet at Richmond on June 12.

It was a foregone conclusion that Senator Douglas would be the nominee of the Baltimore Convention. The anti-Douglas Democrats in the Senate showed their determination to divide the party, and nominate another candidate, by continuing with increased vigor the warfare upon the Senator from Illinois which had been begun in the Davis resolutions against his doctrine of "unfriendly legislation."

### The Constitutional Union Convention

On May 9 the Constitutional Union party, composed largely of the supporters of Millard Fillmore in 1856, met at Baltimore and nominated John Bell [Tenn.] for President and Edward Everett [Mass.] for Vice-Presi-

[1] An oft-repeated sentiment first uttered by Josiah Quincy, 2nd [see Volume I, page 69].

dent on a platform which declared that it was "both the part of patriotism and of duty to recognize no political principle other than the Constitution of the country, the union of the States, and the enforcement of the laws." It was generally recognized that the new party would cut a small figure in the election. Thaddeus Stevens [Pa.] wittily characterized the convention as a "family party, and all there." However, events so shaped themselves that, with less than half the popular votes of the Douglas ticket, the Bell-Everett ticket polled more than three times the number of its electoral votes.

### Lincoln as a "Dark Horse"

It was generally expected that Senator William H. Seward [N. Y.] would be the presidential nominee of the Republican Convention. However, there was a growing desire in the Republican party, even in Seward's own State, to select a candidate who would not be handicapped by the antagonism which the promulgator of the "higher law" had aroused among the more moderate element in the North, without whose votes the nominee of the convention could hardly expect election even in view of the division in the Democratic party.

Among the presidential "dark horses" there began to loom that astute yet self-sacrificing Illinois lawyer who had done more than any other Republican to divide the Democratic party by forcing its coming presidential candidate to take a position whereby he would retain his place in the Senate and the leadership of the Northern section of his party only at the sacrifice of Southern support.

Therefore, when the Republican leaders of New York City learned that Abraham Lincoln had accepted the invitation of the Young Men's Republican Club of Brooklyn to deliver an address in Plymouth Church (of which the Abolitionist Henry Ward Beecher was pastor) they secured a change of the place of speaking to a more public and less radical forum—Cooper Union in New York City, in order that they might endorse the meeting by their attendance.

Lincoln had chosen as his theme "Slavery as the Fathers Viewed It," and, carefully preparing the speech by studying "Elliott's Debates," he had written it out in full.

When on February 27, 1860, he stepped upon the large platform of Cooper Union, he found himself surrounded by every Republican leader of New York and Brooklyn, and facing an audience which filled every seat

THE RAIL CANDIDATE

*From the collection of the New York Public Library*

and crowded the aisles. After a most complimentary introduction by William Cullen Bryant, the editor of the New York *Evening Post,* he proceeded to deliver what is generally conceded to be the most conclusive argument that had ever been presented against the thesis of the Northern Democrats in general and Senator Douglas in particular, that the founders of the nation intended that the Federal Government should have no control over slavery in the Territories.

Says Henry C. Whitney, the friend and biographer of Lincoln:

This great speech is worthy of study. It was the last elaborate speech he ever made. In it he departed somewhat from his former style. The close political student will notice a system, formalism, precision, and rigidity of logic not apparent in former speeches; a terseness and vigor of language of greater emphasis than was before known; an absolute pruning of all redundancies, both in thought and in expression. It was a massive structure of unhewn logic, without an interstice or flaw. Singular to say, the style, in some places, is almost precisely that of John C. Calhoun, yet the speech bears the same relation to the slavery issue, as it then presented itself, that Webster's reply to Hayne bore to "the Constitution and the Union" in 1830. It was a dignified, stately, solemn declaration of the concrete principles of liberty as they existed in the minds of the American people and as they would be enforced by them at the first opportunity.

It was a genuine revelation and surprise. The conservative *Evening Post* published the speech entire the next day by express order of its venerable editor, whose warmest commendation Lincoln also received. The entire press of the city eulogized it in the highest terms. On the last day of winter, in 1860, Mr. Lincoln awoke to find himself famous; on the first day of winter, in 1860, he was President-elect of this mighty nation.

## Slavery as the Fathers Viewed It

### Address at Cooper Union, New York

BY ABRAHAM LINCOLN

The facts with which I shall deal this evening are mainly old and familiar; nor is there anything new in the general use I shall make of them. If there shall be any novelty it will be in the mode of presenting the facts, and the inferences and observations following that presentation. In his speech last autumn at Columbus, Ohio, as reported in the New York *Times*, Senator Douglas said:

> Our fathers, when they framed the government under which we live, understood this question just as well as, and even better than, we do now.

I fully indorse this, and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and an agreed starting-point for a discussion between Republicans and that wing of the Democracy headed by Senator Douglas. It

simply leaves the inquiry: What was the understanding those fathers had of the question mentioned?

What is the frame of Government under which we live? The answer must be, "The Constitution of the United States." That Constitution consists of the original, framed in 1787, and under which the present Government first went into operation, and twelve subsequently framed amendments, the first ten of which were framed in 1789.

Who were our fathers that framed the Constitution? I suppose the "thirty-nine" who signed the original instrument may be fairly called our fathers who framed that part of the present Government. It is almost exactly true to say they framed it, and it is altogether true to say they fairly represented the opinion and sentiment of the whole nation at that time. Their names, being familiar to nearly all, and accessible to quite all, need not now be repeated.

I take these "thirty-nine," for the present, as being "our fathers who framed the Government under which we live." What is the question which, according to the text, those fathers understood "just as well, and even better, than we do now"?

It is this: Does the proper division of local from federal authority, or anything in the Constitution, forbid our Federal Government to control as to slavery in our Federal Territories?

Upon this Senator Douglas holds the affirmative, and Republicans the negative. This affirmation and denial form an issue; and this issue—this question—is precisely what the text declares our fathers understood "better than we." Let us now inquire whether the "thirty-nine," or any of them, ever acted upon this question; and, if they did, how they acted upon it—how they expressed that better understanding. In 1784, three years before the Constitution, the United States then owning the Northwestern Territory, and no other, the Congress of the Confederation had before them the question of prohibiting slavery in that Territory,[1] and four of the "thirty-nine" who afterward framed the Constitution were in that Congress, and voted on that question. Of these, Roger Sherman, Thomas Mifflin, and Hugh Williamson voted for the prohibition, thus showing that, in their understanding, no line dividing local from federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in Federal territory. The other of the four, James McHenry, voted against the prohibition, showing that for some cause he thought it improper to vote for it.

[1] The bill was reported by Thomas Jefferson. It prohibited slavery after 1800 above the parallel of 31° north latitude. It failed to pass by one vote.

In 1787, still before the Constitution, but while the convention was in session framing it, and while the Northwestern Territory still was the only Territory owned by the United States, the same question of prohibiting slavery in the Territory again came before the Congress of the Confederation; and two more of the "thirty-nine" who afterward signed the Constitution were in that Congress, and voted on the question. They were William Blount and William Few; and they both voted for the prohibition—thus showing that in their understanding no line dividing local from Federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in Federal territory. This time the prohibition became a law, being part of what is now well known as the ordinance of '87.

The question of Federal control of slavery in the Territories seems not to have been directly before the convention which framed the original Constitution; and hence it is not recorded that the "thirty-nine," or any of them, while engaged on that instrument, expressed any opinion on that precise question.

In 1789, by the first Congress which sat under the Constitution, an act was passed to enforce the ordinance of '87, including the prohibition of slavery in the Northwestern Territory. The bill for this act was reported by one of the "thirty-nine"—Thomas Fitzsimons, then a member of the House of Representatives from Pennsylvania. It went through all its stages without a word of opposition, and finally passed both branches without ayes and nays, which is equivalent to a unanimous passage. In this Congress there were sixteen of the thirty-nine Fathers who framed the original Constitution. They were John Langdon, Nicholas Gilman, William S. Johnson, Roger Sherman, Robert Morris, Thomas Fitzsimons, William Few, Abraham Baldwin, Rufus King, William Paterson, George Clymer, Richard Bassett, George Read, Pierce Butler, Daniel Carroll, and James Madison.

This shows that, in their understanding, no line dividing local from Federal authority, nor anything in the Constitution, properly forbade Congress to prohibit slavery in the Federal territory; else both their fidelity to correct principle, and their oath to support the Constitution, would have constrained them to oppose the prohibition.

Again, George Washington, another of the "thirty-nine," was then President of the United States, and as such approved and signed the bill, thus completing its validity as a law, and thus showing that, in his understanding, no line dividing local from Federal authority, nor anything in the Constitution, for-

bade the Federal Government to control as to slavery in Federal territory.

No great while after the adoption of the original Constitution North Carolina ceded to the Federal Government the country now constituting the State of Tennessee; and a few years later Georgia ceded that which now constitutes the States of Mississippi and Alabama.[1] In both deeds of cession it was made a condition by the ceding States that the Federal Government should not prohibit slavery in the ceded country. Besides this, slavery was then actually in the ceded country. Under these circumstances Congress, on taking charge of these countries, did not absolutely prohibit slavery within them. But they did interfere with it—take control of it—even there, to a certain extent. In 1798 Congress organized the Territory of Mississippi. In the act of organization they prohibited the bringing of slaves into the Territory from any place without the United States, by fine, and giving freedom to slaves so brought. This act passed both branches of Congress without yeas and nays. In that Congress were three of the "thirty-nine" who framed the original Constitution. They were John Langdon, George Read, and Abraham Baldwin. They all probably voted for it. Certainly they would have placed their opposition to it upon record if, in their understanding, any line dividing local from federal authority, or anything in the Constitution, properly forbade the Federal Government to control as to slavery in Federal territory.

In 1803 the Federal Government purchased the Louisiana country. Our former territorial acquisitions came from certain of our own States; but this Louisiana country was acquired from a foreign nation. In 1804 Congress gave a territorial organization to that part of it which now constitutes the State of Louisiana. New Orleans, lying within that part, was an old and comparatively large city. There were other considerable towns and settlements, and slavery was extensively and thoroughly intermingled with the people. Congress did not, in the Territorial Act, prohibit slavery; but they did interfere with it —take control of it—in a more marked and extensive way than they did in the case of Mississippi. The substance of the provision therein made in relation to slaves was:

1st. That no slave should be imported into the Territory from foreign parts.

2d. That no slave should be carried into it who had been

[1] The cession by North Carolina was accepted by Congress in 1790; that by Georgia in 1798.

imported into the United States since the first day of May, 1798.

3d. That no slave should be carried into it, except by the owner, and for his own use as a settler; the penalty in all the cases being a fine upon the violator of the law, and freedom to the slave.

This act also was passed without ayes and nays. In the Congress which passed it there were two of the "thirty-nine." They were Abraham Baldwin and Jonathan Dayton. As stated in the case of Mississippi, it is probable they both voted for it. They would not have allowed it to pass without recording their opposition to it if, in their understanding, it violated either the line properly dividing local from federal authority, or any provision of the Constitution.

In 1819-20 came and passed the Missouri question. Many votes were taken, by yeas and nays, in both branches of Congress, upon the various phases of the general question. Two of the "thirty-nine"—Rufus King and Charles Pinckney—were members of that Congress. Mr. King steadily voted for slavery prohibition and against all compromises, while Mr. Pinckney as steadily voted against slavery prohibition and against all compromises. By this Mr. King showed that, in his understanding, no line dividing local from Federal authority, nor anything in the Constitution, was violated by Congress prohibiting slavery in Federal territory; while Mr. Pinckney, by his votes, showed that, in his understanding, there was some sufficient reason for opposing such prohibition in that case.

The cases I have mentioned are the only acts of the "thirty-nine," or of any of them, upon the direct issue, which I have been able to discover.

To enumerate the persons who thus acted as being four in 1784, two in 1787, seventeen in 1789, three in 1798, two in 1804, and two in 1819-20, there would be thirty of them. But this would be counting John Langdon, Roger Sherman, William Few, Rufus King, and George Read each twice, and Abraham Baldwin three times. The true number of those of the "thirty-nine" whom I have shown to have acted upon the question, which, by the text, they understood better than we, is twenty-three, leaving sixteen not shown to have acted upon it in any way.

Here, then, we have twenty-three out of our thirty-nine fathers "who framed the Government under which we live," who have, upon their official responsibility and their corporal oaths, acted upon the very question which the text affirms they "understood just as well as, and even better than, we do now";

and twenty-one of them—a clear majority of the whole "thirty-nine"—so acting upon it as to make them guilty of gross political impropriety and wilful perjury if, in their understanding, any proper division between local and Federal authority, or anything in the Constitution they had made themselves, and sworn to support, forbade the Federal Government to control as to slavery in the Federal Territories. Thus the twenty-one acted; and, as actions speak louder than words, so actions under such responsibility speak still louder.

Two of the twenty-three voted against congressional prohibition of slavery in the Federal Territories, in the instances in which they acted upon the question. But for what reasons they so voted is not known. They may have done so because they thought a proper division of local from Federal authority, or some provision or principle of the Constitution, stood in the way; or they may, without any such question, have voted against the prohibition on what appeared to them to be sufficient grounds of expediency. No one who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it; but one may and ought to vote against a measure which he deems constitutional if, at the same time, he deems it inexpedient. It, therefore, would be unsafe to set down even the two who voted against the prohibition as having done so because, in their understanding, any proper division of local from federal authority, or anything in the Constitution, forbade the Federal Government to control as to slavery in Federal territory.

The remaining sixteen of the "thirty-nine," so far as I have discovered, have left no record of their understanding upon the direct question of federal control of slavery in the Federal Territories. But there is much reason to believe that their understanding upon that question would not have appeared different from that of their twenty-three compeers, had it been manifested at all.

For the purpose of adhering rigidly to the text I have purposely omitted whatever understanding may have been manifested by any person, however distinguished, other than the thirty-nine fathers who framed the original Constitution; and, for the same reason, I have also omitted whatever understanding may have been manifested by any of the "thirty-nine" even on any other phase of the general question of slavery. If we should look into their acts and declarations on those other phases, as the foreign slave-trade, and the morality and policy of slavery

generally, it would appear to us that on the direct question of federal control of slavery in Federal Territories the sixteen, if they had acted at all, would probably have acted just as the twenty-three did. Among that sixteen were several of the most noted antislavery men of those times—as Dr. Franklin, Alexander Hamilton, and Gouverneur Morris—while there was not one now known to have been otherwise, unless it may be John Rutledge, of South Carolina.

The sum of the whole is that, of our thirty-nine fathers who framed the original Constitution, twenty-one—a clear majority of the whole—certainly understood that no proper division of local from federal authority, nor any part of the Constitution, forbade the Federal Government to control slavery in the Federal Territories; while all the rest had probably the same understanding. Such, unquestionably, was the understanding of our fathers who framed the original Constitution; and the text affirms that they understood the question "better than we."

But, so far, I have been considering the understanding of the question manifested by the framers of the original Constitution. In and by the original instrument a mode was provided for amending it; and, as I have already stated, the present frame of "the Government under which we live" consists of that original, and twelve amendatory articles framed and adopted since. Those who now insist that federal control of slavery in Federal Territories violates the Constitution point us to the provisions which they suppose it thus violates; and, as I understand, they all fix upon provisions in these amendatory articles, and not in the original instrument. The Supreme Court, in the Dred Scott case, plant themselves upon the fifth amendment, which provides that no person shall be deprived of "life, liberty, or property without the due process of law"; while Senator Douglas and his peculiar adherents plant themselves upon the tenth amendment, providing that "the powers not delegated to the United States by the Constitution" "are reserved to the States respectively, or to the people."

Now, it so happens that these amendments were framed by the first Congress which sat under the Constitution—the identical Congress which passed the act, already mentioned, enforcing the prohibition of slavery in the Northwestern Territory. Not only was it the same Congress, but they were the identical, same individual men who, at the same session, and at the same time within the session, had under consideration, and in progress toward maturity, these constitutional amendments, and this act prohibiting slavery in all the territory the nation then owned.

The constitutional amendments were introduced before, and passed after, the act enforcing the ordinance of '87; so that, during the whole pendency of the act to enforce the ordinance, the constitutional amendments were also pending.

The seventy-six members of that Congress, including sixteen of the framers of the original Constitution, as before stated, were preëminently our fathers who framed that part of "the Government under which we live" which is now claimed as forbidding the Federal Government to control slavery in the Federal Territories.

Is it not a little presumptuous in any one at this day to affirm that the two things which that Congress deliberately framed, and carried to maturity at the same time, are absolutely inconsistent with each other? And does not such affirmation become impudently absurd when coupled with the other affirmation, from the same mouth, that those who did the two things alleged to be inconsistent understood whether they really were inconsistent better than we—better than he who affirms that they are inconsistent?

It is surely safe to assume that the thirty-nine framers of the original Constitution, and the seventy-six members of the Congress which framed the amendments thereto, taken together, do certainly include those who may be fairly called "our fathers who framed the Government under which we live." And, so assuming, I defy any man to show that any one of them ever, in his whole life, declared that, in his understanding, any proper division of local from federal authority, or any part of the Constitution, forbade the Federal Government to control as to slavery in the Federal Territories. I go a step further. I defy any one to show that any living man in the whole world ever did, prior to the beginning of the present century (and I might almost say prior to the beginning of the last half of the present century), declare that, in his understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal Government to control as to slavery in the Federal Territories. To those who now so declare I give not only "our fathers who framed the Government under which we live," but with them all other living men within the century in which it was framed, among whom to search, and they shall not be able to find the evidence of a single man agreeing with them.

Now and here let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all

the lights of current experience—to reject all progress, all improvement. What I do say is that, if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive and argument so clear that even their great authority, fairly considered and weighed, cannot stand; and most surely not in a case whereof we ourselves declare they understood the question better than we.

If any man at this day sincerely believes that a proper division of local from Federal authority, or any part of the Constitution, forbids the Federal Government to control as to slavery in the Federal Territories, he is right to say so, and to enforce his position by all truthful evidence and fair argument which he can. But he has no right to mislead others who have less access to history, and less leisure to study it, into the false belief that "our fathers who framed the Government under which we live" were of the same opinion—thus substituting falsehood and deception for truthful evidence and fair argument. If any man at this day sincerely believes "our fathers who framed the Government under which we live" used and applied principles, in other cases, which ought to have led them to understand that a proper division of local from Federal authority, or some part of the Constitution, forbids the Federal Government to control as to slavery in the Federal Territories, he is right to say so. But he should, at the same time, brave the responsibility of declaring that, in his opinion, he understands their principles better than they did themselves; and especially should he not shirk that responsibility by asserting that they "understood the question just as well as, and even better than, we do now."

But enough! Let all who believe that "our fathers who framed the government under which we live understood this question just as well as, and even better than, we do now," speak as they spoke, and act as they acted upon it. This is all Republicans ask—all Republicans desire—in relation to slavery. As those fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity. Let all the guaranties those fathers gave it be not grudgingly, but fully and fairly, maintained. For this Republicans contend, and with this, so far as I know or believe, they will be content.

Here the speaker addressed himself to the Southern people on their charge that the Republican party was

"sectional." Alluding to the refusal of the South to permit the spreading of Republican doctrines he said:

The fact that we get no votes in your section is a fact of your making, and not of ours. And, if there be fault in that fact, that fault is primarily yours, and remains so until you show that we repel you by some wrong principle or practice. If we do repel you by any wrong principle or practice, the fault is ours; but this brings you to where you ought to have started—to a discussion of the right or wrong of our principle. If our principle, put in practice, would wrong your section for the benefit of ours, or for any other object, then our principle, and we with it, are sectional, and are justly opposed and denounced as such. Meet us, then, on the question of whether our principle, put in practice, would wrong your section; and so meet us as if it were possible that something may be said on our side. Do you accept the challenge? No! Then you really believe that the principle which "our fathers who framed the Government under which we live" thought so clearly right as to adopt it, and indorse it again and again, upon their official oaths, is in fact so clearly wrong as to demand your condemnation without a moment's consideration.

Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his Farewell Address. Less than eight years before Washington gave that warning he had, as President of the United States, approved and signed an act of Congress enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the Government upon that subject up to and at the very moment he penned that warning; and about one year after he penned it he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should at some time have a confederacy of free States.

Bearing this in mind, and seeing that sectionalism has since arisen upon this same subject, is that warning a weapon in your hands against us or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us, who sustain his policy, or upon you, who repudiate it? We respect that warning of Washington, and we commend it to you, together with his example pointing to the right application of it.

But you say you are conservative—eminently conservative—while we are revolutionary, destructive, or something of the

sort. What is conservatism? Is it not adherence to the old and tried, against the new and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by "our fathers who framed the Government under which we live"; while you with one accord reject, and scout, and spit upon that old policy, and insist upon substituting something new. True, you disagree among yourselves as to what that substitute shall be. You are divided on new propositions and plans, but you are unanimous in rejecting and denouncing the old policy of the fathers. Some of you are for reviving the foreign slave trade; some for a congressional slave code for the Territories; some for Congress forbidding the Territories to prohibit slavery within their limits; some for maintaining slavery in the Territories through the judiciary; some for the "gur-reat pur-rinciple" that, "if one man would enslave another, no third man should object," fantastically called "popular sovereignty"; but never a man among you is in favor of Federal prohibition of slavery in Federal Territories, according to the practice of "our fathers who framed the Government under which we live." Not one of all your various plans can show a precedent or an advocate in the century within which our Government originated. Consider, then, whether your claim of conservatism for yourselves, and your charge of destructiveness against us, are based on the most clear and stable foundations.

Again, you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you who discarded the old policy of the fathers. We resisted, and still resist, your innovation; and thence comes the greater prominence of the question. Would you have that question reduced to its former proportions? Go back to that old policy. What has been will be again, under the same conditions. If you would have the peace of the old times, readopt the precepts and policy of the old times.

You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry! John Brown!! John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter, you know it or you do not know it. If you do know it, you are inexcusable for not designating the man and proving the fact. If you do not know it, you are inexcusable for asserting it, and especially for persisting in the assertion after you have

tried and failed to make the proof. You need not be told that persisting in a charge which one does not know to be true is simply malicious slander.

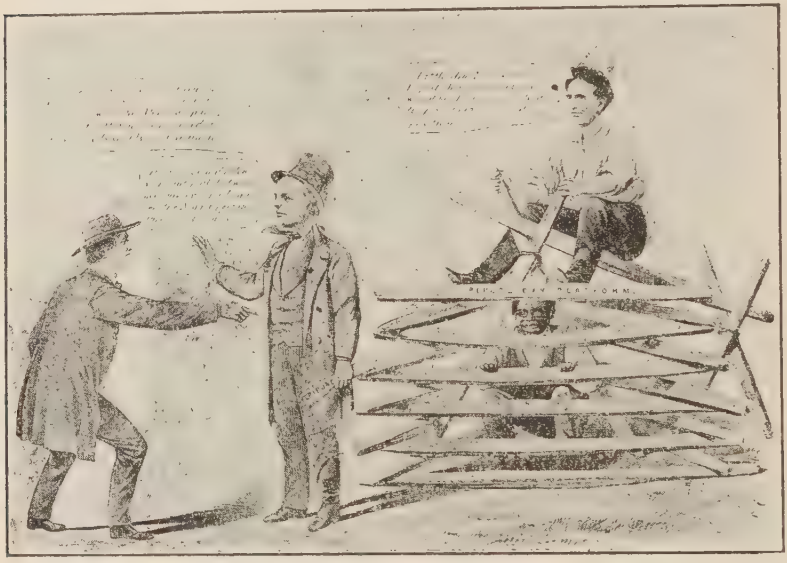
Some of you admit that no Republican designedly aided or encouraged the Harper's Ferry affair, but still insist that our doctrines and declarations necessarily lead to such results. We do not believe it. We know we hold no doctrine, and make no declaration, which were not held to and made by "our fathers who framed the Government under which we live." You never dealt fairly by us in relation to this affair. When it occurred, some important State elections were near at hand, and you were in evident glee with the belief that, by charging the blame upon us, you could get an advantage of us in those elections. The elections came, and your expectations were not quite fulfilled. Every Republican man knew that, as to himself at least, your charge was a slander, and he was not much inclined by it to cast his vote in your favor. Republican doctrines and declarations are accompanied with a continual protest against any interference whatever with your slaves, or with you about your slaves. Surely this does not encourage them to revolt. True, we do, in common with "our fathers who framed the Government under which we live," declare our belief that slavery is wrong; but the slaves do not hear us declare even this. For anything we say or do, the slaves would scarcely know there is a Republican party. I believe they would not, in fact, generally know it but for your misrepresentations of us in their hearing. In your political contests among yourselves, each faction charges the other with sympathy with Black Republicanism; and then, to give point to the charge, defines Black Republicanism simply to be insurrection, blood, and thunder among the slaves.

Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Southampton insurrection, twenty-eight years ago, in which at least three times as many lives were lost as at Harper's Ferry?[1] You can scarcely stretch your very elastic fancy to the conclusion that Southampton was "got up by Black Republicanism."

[1] In August, 1831, at Southampton, Va., Nat Turner, a negro, led an insurrection of his fellow slaves in the course of which more than sixty white people, most of them women and children, were massacred. The Abolitionists were charged with instigating the rising, but their historians deny the allegation, and no proof has come to light of their connection with the crime.

Here the speaker showed the improbability of any other than sporadic servile insurrections.

In the language of Mr. Jefferson, uttered many years ago: "It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degrees as that the evil will wear off insensibly; and their places be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left



"THE NIGGER IN THE WOODPILE"
*From the collection of the New York Historical Society*

to force itself on, human nature must shudder at the prospect held up."

Mr. Jefferson did not mean to say, nor do I, that the power of emancipation is in the Federal Government. He spoke of Virginia; and, as to the power of emancipation, I speak of the slaveholding States only. The Federal Government, however, as we insist, has the power of restraining the extension of the institution—the power to insure that a slave insurrection shall never occur on any American soil which is now free from slavery.

John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignor-

ance, saw plainly enough it could not succeed. That affair, in its philosophy, corresponds with the many attempts, related in history, at the assassination of kings and emperors. An enthusiast broods over the oppression of a people till he fancies himself commissioned by Heaven to liberate them. He ventures the attempt, which ends in little else than his own execution. Orsini's attempt on Louis Napoleon,[1] and John Brown's attempt at Harper's Ferry, were, in their philosophy, precisely the same. The eagerness to cast blame on old England in the one case, and on New England in the other, does not disprove the sameness of the two things.

And how much would it avail you if you could, by the use of John Brown, Helper's book,[2] and the like, break up the Republican organization? Human action can be modified to some extent, but human nature cannot be changed. There is a judgment and a feeling against slavery in this nation which cast at least a million and a half of votes. You cannot destroy that judgment and feeling—that sentiment—by breaking up the political organization which rallies around it. You can scarcely scatter and disperse an army which has been formed into order in the face of your heaviest fire; but, if you could, how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot-box into some other channel? What would that other channel probably be? Would the number of John Browns be lessened or enlarged by the operation?

But you will break up the Union rather than submit to a denial of your constitutional rights.

That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right plainly written down in the Constitution. But we are proposing no such thing.

When you make these declarations you have a specific and well-understood allusion to an assumed constitutional right of yours to take slaves into the Federal Territories, and to hold them there as property. But no such right is specifically written in the Constitution. That instrument is literally silent about any such right. We, on the contrary, deny that such a right has any existence in the Constitution, even by implication.

[1] Felice Orsini was chief of a band of desperadoes that attempted the life of Napoleon III on January 14, 1858. The plot had been hatched in London, and many Frenchmen bitterly charged the British with complicity in the crime.

[2] "The Impending Crisis," by Hinton R. Helper; see page 209.

Your purpose, then, plainly stated, is that you will destroy the Government, unless you be allowed to construe and force the Constitution as you please on all points in dispute between you and us. You will rule or ruin in all events.

This, plainly stated, is your language. Perhaps you will say the Supreme Court has decided the disputed constitutional question in your favor. Not quite so. But waiving the lawyer's distinction between dictum and decision, the court has decided the question for you in a sort of way. The court has substantially said it is your constitutional right to take slaves into the Federal Territories, and to hold them there as property. When I say the decision was made in a sort of way, I mean it was made in a divided court, by a bare majority of the judges, and they not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact—the statement in the opinion that "the right of property in a slave is distinctly and expressly affirmed in the Constitution."

An inspection of the Constitution will show that the right of property in a slave is not "distinctly and expressly affirmed" in it. Bear in mind, the judges do not pledge their judicial opinion that such right is impliedly affirmed in the Constitution; but they pledge their veracity that it is "distinctly and expressly" affirmed there—"distinctly," that is, not mingled with anything else—"expressly," that is, in words meaning just that, without the aid of any inference, and susceptible of no other meaning.

If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word "slave" nor "slavery" is to be found in the Constitution, nor the word "property" even, in any connection with language alluding to the things slave or slavery; and that wherever in that instrument the slave is alluded to, he is called a "person"; and wherever his master's legal right in relation to him is alluded to, it is spoken of as "service or labor which may be due"—as a debt payable in service or labor. Also it would be open to show, by contemporaneous history, that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on purpose to exclude from the Constitution the idea that there could be property in man.

To show all this is easy and certain.

When this obvious mistake of the judges shall be brought

to their notice, is it not reasonable to expect that they will withdraw the mistaken statement, and reconsider the conclusion based upon it?

And then it is to be remembered that "our fathers who framed the Government under which we live"—the men who made the Constitution—decided this same constitutional question in our favor long ago; decided it without division among themselves when making the decision; without division among themselves about the meaning of it after it was made, and, so far as any evidence is left, without basing it upon any mistaken statement of facts.

Under all these circumstances, do you really feel yourselves justified to break up this Government unless such a court decision as yours is shall be at once submitted to as a conclusive and final rule of political action? But you will not abide the election of a Republican President! In that supposed event, you say, you will destroy the Union; and then, you say, the great crime of having destroyed it will be upon us! That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, "Stand and deliver, or I shall kill you, and then you will be a murderer!"

To be sure, what the robber demanded of me—my money—was my own; and I had a clear right to keep it; but it was no more my own than my vote is my own; and the threat of death to me, to extort my money, and the threat of destruction to the Union, to extort my vote, can scarcely be distinguished in principle.

A few words now to Republicans. It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony one with another. Let us Republicans do our part to have it so. Even though much provoked, let us do nothing through passion and ill temper. Even though the Southern people will not so much as listen to us, let us calmly consider their demands, and yield to them if, in our deliberate view of our duty, we possibly can. Judging by all they say and do, and by the subject and nature of their controversy with us, let us determine, if we can, what will satisfy them.

Will they be satisfied if the Territories be unconditionally surrendered to them? We know they will not. In all their present complaints against us, the Territories are scarcely mentioned. Invasions and insurrections are the rage now. Will it satisfy them if, in the future, we have nothing to do with invasions and insurrections? We know it will not. We so know, because we know we never had anything to do with invasions

and insurrections; and yet this total abstaining does not exempt us from the charge and the denunciation.

The question recurs, What will satisfy them? Simply this: we must not only let them alone, but we must somehow convince them that we do let them alone. This, we know by experience, is no easy task. We have been so trying to convince them from the very beginning of our organization, but with no success. In all our platforms and speeches we have constantly protested our purpose to let them alone; but this has had no tendency to convince them. Alike unavailing to convince them is the fact that they have never detected a man of us in any attempt to disturb them.

These natural and apparently adequate means all failing, what will convince them? This, and this only: cease to call slavery wrong, and join them in calling it right. And this must be done thoroughly—done in acts as well as in words. Silence will not be tolerated—we must place ourselves avowedly with them. Senator Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our free-State constitutions. The whole atmosphere must be disinfected from all taint of opposition to slavery before they will cease to believe that all their troubles proceed from us.

I am quite aware they do not state their case precisely in this way. Most of them would probably say to us, "Let us alone; do nothing to us, and say what you please about slavery. But we do let them alone—have never disturbed them—so that, after all, it is what we say which dissatisfies them. They will continue to accuse us of doing until we cease saying.

I am also aware that they have not as yet in terms demanded the overthrow of our free-State constitutions. Yet those constitutions declare the wrong of slavery with more solemn emphasis than do all other sayings against it; and when all these other sayings shall have been silenced the overthrow of these constitutions will be demanded, and nothing be left to resist the demand. It is nothing to the contrary that they do not demand the whole of this just now. Demanding what they do, and for the reason they do, they can voluntarily stop nowhere short of this consummation. Holding as they do that slavery is morally right and socially elevating, they cannot cease to demand a full national recognition of it, as a legal right and a social blessing.

Nor can we justifiably withhold this on any ground save our

conviction that slavery is wrong. If slavery is right, all words, acts, laws, and constitutions against it are themselves wrong, and should be silenced and swept away. If it is right, we cannot justly object to its nationality—its universality; if it is wrong, they cannot justly insist upon its extension—its enlargement. All they ask we could readily grant, if we thought slavery right; all we ask they could as readily grant if they thought it wrong. Their thinking it right, and our thinking it wrong, is the precise fact upon which depends the whole controversy. Thinking it right, as they do, they are not to blame for desiring its full recognition as being right; but, thinking it wrong, as we do, can we yield to them? Can we cast our votes with their view, and against our own? In view of our moral, social, and political responsibilities, can we do this?

Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation; but can we, while our votes will prevent it, allow it to spread into the national Territories and to overrun us here in these free States?

If our sense of duty forbids this, then let us stand by our duty fearlessly and effectively. Let us be diverted by none of those sophistical contrivances wherewith we are so industriously plied and belabored—contrivances such as groping for some middle ground between the right and the wrong; vain as the search for a man who should be neither a living man nor a dead man; such as a policy of "don't care" on a question about which all true men do care; such as Union appeals beseeching true Union men to yield to Disunionists, reversing the divine rule, and calling, not the sinners, but the righteous to repentance; such as invocations to Washington, imploring men to unsay what Washington said and undo what Washington did.

Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the Government, nor of dungeons to ourselves. Let us have faith that right makes might; and in that faith let us to the end dare to do our duty as we understand it.

### The Republican Convention

Abraham Lincoln and Senator Hannibal Hamlin [Me.] were nominated for President and Vice-President respectively by the Republican National Convention, which met in Chicago on May 16-18, 1860.

The platform adopted by the convention endorsed

the principles of the Declaration of Independence and their embodiment in the Constitution; denounced the threats of disunion made by members of the Democracy; upheld the right of each State to control its own domestic institutions; denounced the armed invasion of any State or Territory; denounced the Buchanan Administration for its Lecompton policy; denounced the Supreme Court for construing, in the Dred Scott case, "the personal relation between master and servant to involve an unqualified property in persons," and for promulgating the "new dogma that the Constitution, of its own force, carried slavery into any or all of the Territories"; declared that "the normal condition of all the territory of the United States is that of freedom," and this condition should be maintained; branded the practical opening of the slave trade under the Buchanan Administration as a "crime against humanity and a burning shame to our country and age"; declared that events in Kansas-Nebraska had proved "the boasted Democratic principle of non-intervention and popular sovereignty" a fraud and a sham; and declared for a protective tariff, the homestead policy, and internal improvements (especially a Pacific railroad), and against discrimination against foreign-born citizens.

### The Democratic Convention

The adjourned Democratic Convention met, as ordered, at Baltimore on June 18. Several contesting delegations were present. The committee on credentials of delegates brought in two reports of which the majority report seating the Douglas delegates was adopted by the convention. Thereupon the delegations from its Southern States and from California and Oregon, as well as a part of the Massachusetts delegation, withdrew, leaving less than two-thirds of the total delegates in the convention. Caleb Cushing [Mass.] resigned the chairmanship. Although the plan of nominating candidates by a two-thirds majority of all the delegates, counting seceders as well as those remaining, which Cushing had decided at Charleston to be the only proper method,

was impossible, the convention proceeded to vote for the presidential candidate. After the third ballot, Stephen A. Douglas was unanimously declared, by resolution, to be the regular candidate of the Democratic party. Herschel V. Johnson [Ga.] was nominated for Vice-President. Of course, the regularity of the nominations was denied by the Anti-Douglas Democrats.

THE GREAT MATCH AT BALTIMORE

[Between the "Illinois Bantam" and the "Old Cock" of the White House]

*From the collection of the New York Historical Society*

In regard to the platform Douglas had demanded the assertion of the principles of popular sovereignty and non-intervention in the Territories, and this was so done. An article was added declaring it the duty of citizens and the members of the other branches of the Government to submit to the Supreme Court's decisions, future as well as past, with respect to the authority of the people in the Territories over slavery. This declaration, seemingly at variance with his doctrine of popular sovereignty, was accepted by Douglas, evidently as a sop to the South; he did not even attempt to har-

monize it with the rest of the platform by any device similar to his "Freeport doctrine" of "unfriendly legislation,"—indeed, in this omission he seemed to abandon the disastrous "Freeport doctrine" finally and absolutely.

The seceding Democratic delegates from this convention with those chosen by South Carolina and Florida for the Richmond Convention (which was never held) met in a convention of their own in Baltimore on June 28. They chose Cushing for their chairman, unanimously adopted the Charleston minority platform, and nominated Vice-President John C. Breckinridge [Ky.] for President, and Joseph Lane [Ore.] for Vice-President.

Horace Greeley, in his "American Conflict," thus sums up the positions taken by the various parties in the campaign:

Discarding that of the "Constitutional Union" party as meaning anything in general and nothing in particular, the Lincoln, Douglas, and Breckinridge parties had deliberately planted themselves, respectively, on the following positions:

1. *Lincoln.*—Slavery can exist only by virtue of municipal law; and there is no law for it in the Territories, and no power to enact one. Congress can establish or legalize slavery nowhere, but is bound to prohibit it in or exclude it from any and every Federal Territory, whenever and wherever there shall be necessity for such exclusion or prohibition.

2. *Douglas.*—Slavery or no slavery in any Territory is entirely the affair of the white inhabitants of such Territory. If they choose to have it, it is their right; if they choose *not* to have it, they have a right to exclude or prohibit it. Neither Congress nor the people of the Union, or of any part of it, outside of said Territory, has any right to meddle with or trouble themselves about the matter.

3. *Breckinridge.*—The citizen of any State has a right to migrate to any Territory, taking with him anything which is property by the law of his own State, and hold, enjoy, and be protected in the use of such property in said Territory. And Congress is bound to render such protection wherever necessary, whether with or without the coöperation of the territorial legislature.

The influence of the Buchanan Administration was cast for Breckinridge, and his electors were nominated in nearly every Free State with the evident purpose of defeating Douglas, since it was impossible to win any Northern State for the Southern candidate. However, a coalition of the anti-Lincoln forces was made in several Northern States, although this precluded any assertion of principles by the Democratic campaign speakers, who were forced to content themselves with personal abuse of "Old Abe," and with the prediction that disunion would follow his election.

Nowhere in the South would the Breckinridge party consent to combine with the Douglas party, and this refusal was certain to cause the election of the Bell ticket in a number of the Southern States.

With all these odds against him Senator Douglas made a "whirlwind" campaign, speaking with remarkable force and effectiveness in nearly every free State and in many slave States. Lincoln remained at his home in Springfield, making no speeches and writing little beside a short autobiography, copies of which, with his speeches on the slavery question, were widely circulated as campaign documents, thus making the people acquainted with his homely and simple yet strong personality and the clear honesty of his principles. Many of the Northern States held elections for State officers in September and October, and the almost unvarying success of the Republicans in these showed the certainty of Lincoln's election in November.

The election was held on the 6th of the month, and before midnight of that day it was known that Abraham Lincoln was chosen chief magistrate of the nation; having received the votes of every Northern State save New Jersey (which gave him four of her seven votes) and California and Oregon, from which returns had not been received. The Pacific States also gave him their votes, his total in the Electoral College being 180 votes to 123, which latter were divided as follows: Breckenridge 72, Bell 39 (Virginia, Kentucky, and Tennessee), and Douglas 12 (Missouri, and 3 votes from New Jersey).

Of the popular vote (4,645,390), however, Lincoln received only 1,857,610, which number was 930,170 less than a majority. Douglas received 1,291,574 votes, Breckinridge 850,082 votes, and Bell 646,124 votes.

# CHAPTER IX

## "Slavery the Corner-Stone of the Confederacy"

### [Debates and speeches in the South on secession]

Ante-Election Meeting of South Carolina Secessionists—Address of Governor William H. Gist to South Carolina Legislature—Speech of Senator James Chesnut, Jr., "Unfurl the Palmetto Flag!"—Debate in the South Carolina Legislature on "Independent Action or Coöperation with Other Cotton States": in Favor of the Former, Mr. Mullins; of the latter, Mr. McGowan—Speech of Edmund Ruffin [Va.] at Columbia, S. C.: "Virginia Will Join the Confederacy"—Resignation of Federal Officers in South Carolina—Address of Governor Beriah Magoffin [Ky.] to the Southern States: "Remain in the Union to Fight for Southern Rights"—Ordinances of Secession Are Passed by South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas—The Other Southern States Refuse to Secede—General Winfield Scott Vainly Warns the Administration to Reinforce the Southern Forts—Resignations from the Cabinet—Unsuccessful Embassy of Caleb Cushing to South Carolina—President Buchanan Refuses to Meet Peace Commissions from South Carolina—Major Robert Anderson Removes Garrison in Charleston Harbor from Fort Moultrie to Fort Sumter—Seizure of Federal Forts and Other Property by Southern States—John B. Floyd, Secretary of War, Foiled in Attempts to Aid the Secessionists, and Involved in Charges of Defalcation, Resigns—*Star of the West* Is Fired Upon by the Secessionists—South Carolina Demands That the Government Surrender Fort Sumter—Famous Order of John A. Dix, Secretary of the Treasury, to Defend the American Flag—Surrender of the Army in Texas by General David E. Twiggs to the Secessionists—Summary of Federal Property Seized by the Secessionists—Organization of the Southern Confederacy—Its Constitution—Inauguration of President Jefferson Davis—His Inaugural Address—Speech of Vice-President Alexander H. Stephens on "Slavery the Corner-Stone of the Confederacy."

TWO weeks before the election (on October 25, 1860), a meeting of South Carolina statesmen was held at the residence of Senator James H. Hammond, near Augusta, at which there were present Gov. William H. Gist and the delegation to Congress,

with many other men of mark. By this meeting it was unanimously resolved that South Carolina should secede from the Union in the event of Lincoln's then almost certain election. Similar meetings of kindred spirits were held about the same time in Georgia, Alabama, Mississippi, and Florida. By the interchange of messages, letters, and visits, the entire slaveholding region had been prepared, so far as possible, for disunion in the event of a Republican, if not also of a Douglas, triumph.

Governor Gist [S. C.] called the legislature of the State to meet in extraordinary session on November 5 (the day before the election), to appoint presidential electors, these in South Carolina being chosen by the legislature instead of by the people directly. In his opening address the governor said:

"Under ordinary circumstances, your duty could be soon discharged by the election of electors representing the choice of the people of the State; but in view of the threatening aspect of affairs, and the strong probability of the election to the presidency of a sectional candidate, by a party committed to the support of measures which, if carried out, will inevitably destroy our equality in the Union, and ultimately reduce the Southern States to mere provinces of a consolidated despotism, to be governed by a fixed majority in Congress which is hostile to our institutions, and fatally bent upon our ruin, I would respectfully suggest that the legislature remain in session, and take such action as will prepare the State for any emergency that may arise.

"My own opinions of what the convention should do are of little moment; but, believing that the time has arrived when everyone, however humble he may be, should express his opinions in unmistakable language, I am constrained to say that the only alternative left, in my judgment, is the secession of South Carolina from the Federal Union. The indications from many of the Southern States justify the conclusion that the secession of South Carolina will be immediately followed, if not adopted simultaneously, by them, and ultimately by the entire South. The long-desired coöperation of the other States having similar institutions, for which so many of our citizens have been waiting, seems to be near at hand; and, if we are true to ourselves, will soon be realized. The State has, with great unanimity, de-

clared that she has the right peaceably to secede, and no power on earth can rightfully prevent it.

"If, in the exercise of arbitrary power, and forgetful of the lessons of history, the Government of the United States should attempt coercion, it will become our solemn duty to meet force by force.

He therefore recommended certain military measures.

With this preparation for defence, and with all the hallowed memories of past achievements, with our love of liberty, and hatred of tyranny, and with the knowledge that we are contending for the safety of our homes and firesides, we can confidently appeal to the Disposer of all human events, and safely trust our cause in His keeping."

Mr. James Chesnut, Jr., one of the United States Senators from South Carolina, was among the large number of leading politicians in attendance at the opening of the legislative session. He was serenaded on the evening of November 5. Replying to the ovation he said:

"Before the setting of to-morrow's sun, in all human probability, the destiny of this confederated Republic would be decided. He solemnly thought, in all human probability, that the Republican party would triumph in the election of Lincoln as President.

"The question now was, Would the South submit to a Black Republican President and a Black Republican Congress, which will claim the right to construe the Constitution of the country and administer the Government in their own hands, not by the law of the instrument itself, nor by that of the fathers of the country, nor by the practices of those who administered seventy years ago, but by rules drawn from their own blind consciences and crazy brains. They call us inferiors, semi-civilized barbarians, and claim the right to possess our lands, and give them to the destitute of the Old World and the profligates of this. They claim the dogmas of the Declaration of Independence as part of the Constitution, and that it is their right and duty to so administer the Government as to give full effect to them. The people now must choose whether they would be governed by enemies, or govern themselves.

"For himself, he would unfurl the Palmetto flag, fling it to the breeze, and, with the spirit of a brave man, determine to live and die as became our glorious ancestors, and ring the clarion notes of defiance in the ears of an insolent foe. He then spoke of the undoubted right to withdraw their delegated powers, and it was their duty, in the event contemplated, to withdraw them. It was their only safety.

"Mr. C. favored separate State action; saying the rest would flock to our standard."

Other South Carolina statesmen spoke in similar vein. Says Horace Greeley in his "American Conflict":

"There was great joy in Charleston, and wherever 'Fire-Eaters' most did congregate, on the morning of November 7. Men rushed to shake hands and congratulate each other on the glad tidings of Lincoln's election. *Now,* it was felt, and exultingly proclaimed, the last obstacle to 'Southern independence' has been removed, and the great experiment need no longer be postponed to await the pleasure of the weak, the faithless, the cowardly. It was clear that the election had resulted precisely as the master spirits had wished and hoped. *Now,* the apathy, at least of the other Cotton States, must be overcome; *now,* South Carolina will be able to achieve her long-cherished purpose of breaking up the Union, and founding a new confederacy on her own ideas, and on the 'peculiar institution of the South.'"

## Coöperation with Other Cotton States

### South Carolina Legislature, November, 1860

There was an animated debate in the South Carolina Legislature as to whether the State should immediately secede from the Union or wait for the coöperation of the other "Cotton" States. Mr. McGowan of Abbeville was in favor of the latter course. He said:

"Lincoln's election is taken as *an occasion* for action, but with us it is not the only *cause* for action. We have delayed for the last ten years for nothing but coöperation. It is the best and wisest policy to remain in the Union, with our Southern sis-

THE FOX WITHOUT A TAIL

[South Carolina persuading the other slave States to secede]

*From the collection of the New York Historical Society*

ters, in order to arrange the time when, and the manner how, of going out, and nothing else.

"The Southern States of this Union have more motives, more inducements, and *more necessities,* for concert and union than any people that has lived in the tide of time. They are one in soil and climate; one in productions, having a monopoly of the cotton region; one in institutions; and, more than all, one in their wrongs under the Constitution. Add to all this that they alone, of all the earth, have a peculiar institution—African slavery—which is absolutely necessary for them; without which they would cease to exist, and against which, under the influence of a fanatical sentiment, the world is banded. Upon the subject of this institution, we are *isolated* from the whole world, who are not only indifferent, but inimical, to it; and it would seem that the very weight of this outside pressure would compel us to unite.

"Besides, the history of the world is pregnant with admonition as to the necessity of union. The history of classic Greece, and especially that awful chapter upon the Peloponnesian war, appeals to us. The history of poor, dismembered Poland cries to us. The history of the Dutch Republic claims to be heard. Modern Italy and the states of Central America are now, at this moment, crying to us to unite. All history teaches us that 'United we stand, divided we fall.' All the Southern States would not be too many for our confederacy, whose flag would float, honored upon every sea, and under whose folds every citizen would be sure of protection and security. My God! what is the reason we cannot unite? It seems to me that we might with propriety address to the whole South the pregnant words of Milton:

'Awake! arise! or be forever fallen!'

"South Carolina has sometimes been accused of a paramount desire to lead or to disturb the councils of the South. Let us make one last effort for coöperation, and, in doing so, repel the false and unfounded imputation. Then, if we fail, and a convention is called under these circumstances, I and all of us will stand by the action of that convention.

"If South Carolina, in convention assembled, deliberately secedes—separate and alone, and, without any hope of coöperation, decides to cut loose from her moorings, surrounded as she is by Southern sisters in like circumstances—I will be one of her crew, and, in common with every true son of hers, will endeavor, with all the power that God has given me, to

'Spread all her canvas to the breeze,
Set every threadbare sail,
And give her to the God of storms,
The lightning and the gale.' ''

Mr. Mullins, of Marion, followed. He said:

"South Carolina had tried coöperation, but had exhausted that policy. The State of Virginia had discredited the cause which our commissioner went there to advocate, although she treated him, personally, with respect; but she had as much as said there were *no* indignities which could drive her to take the leadership for Southern rights. *If we wait for coöperation, slavery and State rights would be abandoned,* State sovereignty and the cause of the South lost forever, and we would be subjected to a dominion the parallel to which was that of the poor Indian under the British East India Company. When they had pledged themselves to take the State out of the Union, and placed it on record, then he was willing to send a commissioner to Georgia, or any other Southern State, to announce our determination, and to submit the question whether they would join us or not. *We have it from high authority that the representative of one of the imperial powers of Europe, in view of the prospective separation of one or more of the Southern States from the present confederacy, has made propositions in advance for the establishment of such relations between it and the Government about to be established in this State, as will insure to that power such a supply of cotton for the future* as their increasing demand for that article will require: this information is perfectly authentic."

Mr. Edmund Ruffin, of Virginia, had for many years been the editor of a leading agricultural monthly, and had thus acquired a very decided influence over the planters of the South. A devotee of slavery, he had hastened to Columbia, on the call of the legislature, to do his utmost for secession. He was serenaded on the evening of November 7, and in response he said:

"The question now before the country he had studied for years. It had been the one great idea of his life. The defence of the South, he verily believed, was to be secured only through the lead of South Carolina. As old as he was, he had come here to join them in that lead. *He wished Virginia was as ready as*

*South Carolina, but, unfortunately, she was not;* but, circumstances being different, it was perhaps better that Virginia and all other border States remain quiescent for a time, to serve as guard against the North. The first drop of blood spilled on the soil of South Carolina would bring Virginia and every Southern State with them. By remaining in the Union for a time, she would not only prevent coercive legislation in Congress, but any attempt for our subjugation.

"There was no fear of Carolina remaining alone. She would soon be followed by other States. Virginia and half a dozen more were just as good and strong, and able to repel the enemy as if they had the whole of the slaveholding States to act with them. Even if California remained alone—not that he thought it probable, but supposing so—it was his conviction that she would be able to defend herself against any power brought against her."

Secession without waiting for the other Cotton States was decided upon.

The leading Federal officers in South Carolina resigned their positions. A bill calling a convention, with the distinct purpose of secession, passed the State Senate on the 9th of November, and the House on the 12th. December 6 was the day appointed for the election of delegates; the convention to meet on the 17th of that month. Whereupon, Gov. Hammond resigned his seat in the U. S. Senate, as his colleague, Mr. Chesnut, had already done.

The action of South Carolina met with quick response in most of the slave States, the various governors calling the legislatures in special session to act on the question of secession. Governor Samuel Houston [Tex.] was one, however, who refused to issue such a call, whereupon sixty of the legislators did so unconstitutionally, the governor weakly submitting to the usurpation, and shortly afterwards resigning his office. Governor Beriah Magoffin [Ky.] also refused to assemble the legislature to take action on the issue, and issued a public address in which he appealed to the other Southern States as follows:

"To South Carolina, and such other States as may wish to secede from the Union, I would say: The geography of this

country would not admit of a division; the mouth and sources of the Mississippi River cannot be separated without the horrors of civil war. We cannot sustain you in this movement merely on account of the election of Lincoln. Do not precipitate us, by premature action, into a revolution or civil war, the consequences of which will be most frightful to all of us. It may yet be avoided. There is still hope, faint though it be. Kentucky is a border State, and has suffered more than all of you. She claims that, standing upon the same sound platform, you will sympathize with her, and stand by her, and not desert her in her exposed, perilous border position. She has a right to claim that her voice, and the voice of reason, and moderation, and patriotism, shall be heard and heeded by you. If you secede, your representatives will go out of Congress, and leave us at the mercy of a Black Republican Government. Mr. Lincoln will have no check. He can appoint his cabinet, and have it confirmed. The Congress will then be Republican, and he will be able to pass such laws as he may suggest. The Supreme Court will be powerless to protect us. We implore you to stand by us, and by our friends in the free States; and let us all, the bold, the true, and just men in the free and the slave States, with a united front, stand by each other, by our principles, by our rights, our equality, our honor, and by the Union under the Constitution. I believe this is the only way to save it; and we can do it."

The South Carolina convention met at Columbia on December 17, and unanimously passed a resolution of secession. Owing to an epidemic of small-pox in the capital, the convention adjourned to Charleston, where it assembled the next day in "Secession Hall." On December 20 a formal Ordinance of Secession was unanimously passed, and a Declaration of Causes therefor was adopted, among which was chiefly named the failure of the Northern States to fulfil their constitutional obligations in the matter of slavery, particularly the return of fugitives. This failure, the declaration said, absolved South Carolina, as a contracting party to the Union under the Constitution, from its obligations to the rest of the Union, and the State therefore had the right to secede from the contract, there being no common arbiter between the States.

The convention resolved that a commissioner be sent

to each slave State, with a copy of the secession ordinance, with a view to hasten coöperation on the part of those States; also, that three commissioners be sent to Washington, with a copy of the same, to be laid before the President, to treat for the delivery of the United States property in South Carolina over to the State, on the subject of the public debt, etc.

On January 9, 1861, the Mississippi legislature passed an Ordinance of Secession by 84 yeas to 15 nays. On the 10th the Florida convention took similar action by a vote of 62 yeas to 7 nays. On the 11th the Alabama convention voted for secession by 61 yeas to 39 nays.

On the 19th, after an animated debate in which Alexander H. Stephens and Herschel V. Johnson, who had been the candidate on the Douglas ticket for Vice-President, opposed the measure, the Georgia convention passed an Ordinance of Secession by 208 yeas to 89 nays. The opponents of the ordinance accepted the decision of the convention, and Mr. Stephens was chosen later as Vice-President of the Southern Confederacy.

On the 26th the Louisiana convention passed an Ordinance of Secession by 103 yeas to 17 nays. It was charged that there had been fraud in the election of delegates to the convention, and the claim was made that the Union men were in a majority throughout the State. Accordingly it was proposed to submit the ordinance to the vote of the people. This proposition was voted down by 84 yeas to 45 nays.

In Texas, a State convention, called by the legislature, which, as we have seen, had met in unconstitutional assembly, passed an Ordinance of Secession on February 1, by a vote of 166 yeas to 7 nays. This was submitted to a popular vote and was ratified by a large majority.

Arkansas, North Carolina, Virginia, and Missouri held conventions in which the Union men were in a majority, and the secession of these States was thus postponed. The later secession of Missouri was the work of persons unauthorized by the Confederacy, and, though recognized by the Confederacy, was not legally valid even according to the theory of secession.

The Tennessee and Kentucky legislatures, being strongly Unionist, refused to call conventions.

Gov. Thomas H. Hicks, of Maryland, refused to convene the legislature of his State on the subject.

The legislature of Delaware, when urged by a commissioner from Mississippi to pass an Ordinance of Secession, gave the proposition an "unqualified disapproval."

THE "SECESSION MOVEMENT"

*From the collection of the New York Historical Society*

While State after State was thus departing from the Union, President Buchanan made but the feeblest efforts to restrain them.

Shortly before the election of Lincoln, Winfield Scott, commanding general of the army, wrote to the Secretary of War, John B. Floyd, expressing the fear that the slave States would, before seceding, attempt to get possession of the nine Federal forts within their borders, and therefore declaring it necessary to have these forts "immediately so garrisoned as to make any attempt to take any one of them by surprise or *coup de main* ridiculous." No action was taken on his rec-

ommendation, and, later, when events had shown the wisdom of his warning, he published the letter to exonerate himself from responsibility in the matter, thereby calling down upon his head the wrath of President Buchanan, and irreconcilably alienating the heads of the Administration and the army at the crucial time when their coöperation was supremely needed by the country.

The indecisive course of the President also had a disintegrating effect on his Cabinet, pleasing neither the Southerners nor Northerners who composed it. On December 10, 1860, Howell Cobb [Ga.] Secretary of the Treasury, resigned his office, alleging, as his excuse, the hopeless condition of the public funds. The President appointed in his place Philip F. Thomas [Md.] who resigned within a few days, John A. Dix [N. Y.] being appointed. On December 14, Lewis Cass [Mich.], Secretary of State, resigned because of the President's refusal to reënforce and provision the Federal garrison in Charleston harbor. He was replaced by Attorney-General Jeremiah S. Black [Pa.], who had long been Buchanan's closest friend and adviser, and Edwin M. Stanton [O.] was put in Black's vacated position of Attorney-General.

About the middle of December the President had sent Caleb Cushing [Mass.], a Buchanan-Breckinridge Democrat, and so likely to be *persona grata* to the secessionists, to Charleston to arrange that affairs should remain *in statu quo* during the remaining ten weeks of the Administration. Mr. Cushing returned almost at once, with the report that the secession leaders would make no promises, except upon the unconditional recognition of the independence of South Carolina.

On December 26, R. W. Barnwell, James L. Orr, and ex-Governor J. H. Adams, commissioners from South Carolina, arrived at Washington to negotiate a cession to the State of the Federal property within its limits. The President informed them that he could meet them only as citizens of the United States. After vainly attempting for nine days to secure recognition in their

official capacity, they returned South, sending farewell letters to the President, "which," says Horace Greeley in his "American Conflict," "are scarcely average samples of diplomatic suavity."

The most important Federal property in South Carolina consisted of forts, on islands and sites ceded to it from the State. These forts were garrisoned by a small force of Federal troops under Major Robert Anderson, a Kentuckian who had been recently sent there to replace a Northern man, thus removing a possible cause of irritation in a high-strung community which as yet was only contemplating secession.

Fort Moultrie, being most convenient to the city, was mainly occupied by the troops. However, being the oldest of the fortifications, it was the weakest—indeed, it could not have resisted for a day bombardment from the shore. Accordingly, as affairs began to assume a threatening aspect, during the night of December 26, 1860, Major Anderson removed his entire command, with provisions, munitions, etc., to the stronger and more securely situated Fort Sumter. This removal the secessionists, relying on the assurances of John B. Floyd, Secretary of War, that no changes would be made in the garrison in Charleston harbor, charged to be a breach of faith on the part of the Federal Government. Said the Charleston *Courier,* on December 29:

"Major Robert Anderson, United States Army, has achieved the unenviable distinction of opening civil war between American citizens by an act of gross breach of faith."

Shortly after this the Federal arsenal at Charleston was seized by volunteers who were flocking to the city at the call of the State government. The custom house, post office, and lighthouse service were also appropriated without resistance, those in charge being ardent secessionists. The lights in the lighthouses were extinguished, and the buoys marking the intricate channels in the harbor were removed, in order to obstruct provisioning or reënforcing Fort Sumter by ships from the North.

### Indictment of Secretary Floyd

Secretary Floyd asked the President to order Major Anderson back to Fort Moultrie, and, indeed, advised the removal of the entire garrison from Charleston harbor. The order being denied him, on December 29, he resigned his office, and the President appointed Joseph Holt [Ky.] in his stead. Secretary Floyd had, however, already rendered the secessionists all the help that it was in his power, his transfer of arms, especially heavy ordnance, from Northern to Southern and Far Western arsenals, which had been going on for some time, having been stopped by the President on a protest from citizens of Pittsburgh, near which city was situated the Alleghany Arsenal which Floyd was about to deplete. Secretary Floyd's resignation was probably hastened by an investigation into a defalcation in the Interior Department in which his own department was involved. This defalcation came to light on December 24, during the absence of the Secretary of the Interior, Jacob Thompson [Miss.], who, *with the permission of the President* had left his post to visit North Carolina in the capacity of a secession commissioner from his State. It was found that a clerk in the Interior Department had hypothecated $870,000 in bonds held in trust for the Indian Bureau, in order to take up Secretary Floyd's acceptances of drafts on the empty treasury by a contracting firm engaged in the transportation of army supplies, which firm had requested payment in advance of service.

On December 30 the Grand Jury at Washington indicted ex-Secretary Floyd for malfeasance and for conspiracy to defraud the Government. He was, however, safely beyond the power of the Federal authorities, being engaged in the agitation to take his native State of Virginia out of the Union.

On January 8, 1861, Secretary Thompson resigned his office.

### Firing on the Flag

On January 9, 1861, the steamer *Star of the West,* which had slipped out of New York harbor unannounced

with reinforcements and supplies for Fort Sumter on board, arrived at the bar of Charleston harbor. Floating the national flag, but with the troops under deck, she attempted to steam up the harbor to Fort Sumter. The secessionists, however, had received information of her purpose from one of their agents in the North, and fired on her from Fort Moultrie and a battery on Morris Island. Being struck by a shot, she put about and returned to New York.

On January 14, the South Carolina legislature resolved that "any attempt by the Federal Government to reinforce Fort Sumter will be regarded as an act of open hostility, and a declaration of war."

Col. Isaac W. Hayne [S. C.], as agent of Gov. Francis W. Pickens [S. C.] had come to Washington, on January 12; on the 16th he demanded the surrender of Fort Sumter as a pledge of non-intervention in the affairs of his State. It was, of course, refused.

Federal forts and arsenals were seized by State authority in Georgia, Alabama, Louisiana, and even North Carolina, before ordinances of secession had been passed by these States.

In Florida, soon after the ordinance was passed, Fort Barrancas and the Navy Yard at Pensacola were seized without resistance from the Federal commander, James Armstrong, who also ordered Lieutenant Adam J. Slemmer, in charge of Forts Pickens and McRae, to give up these places. The subordinate, however, refused to obey, and, retiring to Fort Pickens, the stronger of the two forts, held out against the enemy. Mr. Dix, Secretary of the Treasury, sent an agent to secure revenue cutters stationed at Mobile and New Orleans, but before his arrival they had been turned over (about the end of January) by their commanders to the State authorities. Secretary Dix, before he had been informed of the surrender, sent a telegram to his agent which became a rallying cry in the North: "If any person attempts to haul down the American flag, shoot him on the spot."

Toward the end of February, Brigadier-General David E. Twiggs [Ga.], commanding the Department

of Texas, turned over his entire army, fortifications, arms, etc., to Gen. Ben McCulloch, representing the authorities of Texas. It has been computed, by Southern as well as Northern historians (*e. g.*, E. Pollard in his "Southern History of the War," and Horace Greeley in his "American Conflict") that the South, at Lincoln's inauguration, had secured possession of Federal forts, cannon, etc., to the value of $20,000,000; 150,000 Federal rifles, etc., of the latest and most approved patterns, and half of the regular army.

### Organization of the Confederacy

On February 4, 1861, delegates from the seceded States, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, met at Montgomery, Ala. On the 8th the seven States represented were provisionally organized into "The Confederate States of America," and Jefferson Davis [Miss.] and Alexander H. Stephens [Ga.] were elected President and Vice-President respectively of the new Confederacy.

On February 14 a permanent constitution was adopted. It was substantially the same as the Federal Constitution except in the following particulars:

1. President and Vice-President to be chosen for six years; President ineligible for reëlection while in office; he may remove cabinet officers, but no other functionaries, at his pleasure, without referring the matter, with his reasons, to the Senate.
2. Heads of executive departments to have seats in either House with privilege of discussing matters relating to their several departments.
3. No bounties nor duties on importations.
4. Citizens of one State may pass through another State or sojourn there with their slaves and other property; the right of property in such slaves not to be impaired thereby.
5. A slave escaping from one State into another to be delivered up on claim of the owner.
6. New territory may be acquired; in this slavery shall be recognized and protected by Congress and the territorial government.

### Inauguration of President Davis

On February 17 President Davis arrived at Montgomery, on a special train from Jackson, the capital of Mississippi, having delivered twenty-five speeches to enthusiastic crowds. In these he made such declarations as the following:

"It may be that we will be confronted by war, that the attempt will be made to blockade our ports, to starve us out; but they know little of the Southern heart, of Southern endurance. No amount of privation could force us to remain in a Union on unequal terms. England and France would not allow our great staple [cotton] to be dammed up within our present limits; the starving thousands in their midst would not allow it. We have nothing to apprehend from blockade. But, if they attempt invasion by land, *we must take the war out of our territory.* If war must come, *it must be upon Northern, and not upon Southern, soil.* In the meantime, if they are prepared to grant us peace, to recognize our equality, all is well.

"Your border States will gladly come into the Southern Confederacy within sixty days, as we will be their only friends. England will recognize us, and a glorious future is before us. The grass will grow in the Northern cities, where the pavements have been worn off by the tread of commerce. We will carry war where it is easy to advance—where food for the sword and torch await our armies in the densely populated cities; and, though they [the enemy] may come and spoil our crops, we can raise them as before; while they cannot rear the cities which took years of industry and millions of money to build."

On February 18 the President was inaugurated with imposing ceremonies. His Inaugural Address, says Horace Greeley, in his "American Conflict," was a temperate and carefully studied document. Assuming the right of secession as inherent in "the sovereign States now composing this Confederacy," to be exercised whenever, in their judgment, the compact by which they acceded to the Union "has been perverted from the purposes for which it was ordained, and ceased to answer the ends for which it was established," and that its exercise "merely asserted the right which the Declaration of Independence of 1776 defined to be

inalienable," he avers of their recent action that "it is by the abuse of language that their act has been denominated revolution." "They formed a new *alliance,*" he continues, [ignoring their solemn compact in the Federal Constitution by which they had covenanted with each other that "No State shall enter into any treaty, *alliance, or confederation.*"] The Federal Government is termed by him "the *agent* through whom they

THE SOUTHERN CONFEDERACY A FACT!!!

*Acknowledged by a Mighty Prince and Faithful Ally*

[The Prince to his Cabinet: "I am afraid in rascality they will beat us"]

*From the collection of the New York Historical Society*

communicated with foreign nations," which they have now "changed"—that is all. As they had cotton to sell, which the North, with nearly all other civilized countries, wished to buy, their policy was necessarily one of peace; and he argued that the old Union would inevitably and gladly, for cotton's sake, if for no other, cultivate peace with them.

There was an undertone in this Inaugural, however,

which plainly evinced that the author expected nothing of the sort. "If we may not hope to avoid war," says Mr. Davis, "we may at least expect that posterity will acquit us of having needlessly engaged in it. We have entered upon a career of independence, and it *must* be inflexibly pursued through *many years* of controversy with our late associates of the Northern States." Hence, he very properly called upon his Congress, in addition to the services of the militia, to provide for a navy, and "a well-instructed, disciplined army, more numerous than would usually be required as a *peace* establishment."

Mr. Davis carefully refrained from any other allusion to slavery, or the causes of estrangement between the North and the South, than the following:

"With a Constitution differing only from that of our fathers in so far as it is explanatory of their well-known intent, freed from sectional conflicts, which have interfered with the pursuit of the general welfare, it is not unreasonable to expect that the States from which we have parted may seek to unite their fortunes to ours, under the government which we have instituted. For this, your Constitution makes adequate provision; but beyond this, if I mistake not, the judgment and will of the people are that union with the States from which they have separated is neither practicable nor desirable. To increase the power, develop the resources, and promote the happiness of the Confederacy, it is requisite there should be so much homogeneity that the welfare of every portion should be the aim of the whole. Where this does not exist, antagonisms are engendered, which must and should result in separation."

### Slavery the Cornerstone of the Confederacy

#### Alexander H. Stephens

Mr. Stephens, the Vice-President of the "Confederacy," proved far less reticent and more candid. On his return from the convention or congress whereby the "Confederacy" had been cemented, and he chosen its Vice-President, he was required to address a vast assemblage at Savannah, and did so on March 21, in

elaborate exposition and defence of the new Confederate Constitution. After claiming that it preserved all that was dear and desirable of the Federal Constitution, while it embodied very essential improvements on that document, in its prohibition of protective duties and internal improvements by Confederate authority; in its proffer to cabinet ministers of seats in either House of Congress, with the right of debate; and in forbidding the reëlection of a President while in office, Mr. Stephens proceeded:

"But, not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least: the new Constitution has put at rest *forever* all the agitating questions relating to our peculiar institution—African slavery as it exists among us—the proper *status* of the negro in our form of civilization. *This was the immediate cause of the late rupture and the present revolution.* Jefferson, in his forecast, had anticipated this, as the 'rock upon which the old Union would split.' He was right. What was conjecture with him is now a realized fact. But whether he comprehended the great truth upon which that rock *stood* and *stands* may be doubted. *The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically.* It was an evil they knew not well how to deal with; but the general opinion of the men of that day was that, somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guaranty to the institution while it should last; and hence no argument can be justly used against the constitutional guaranties thus secured, because of the common sentiment of the day. *Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error.* It was a sandy foundation; and the idea of a government built upon it—when the storm came and the wind blew, it *fell.*

"*Our new Government is founded upon exactly the opposite ideas; its foundations are laid, its corner-stone rests upon, the great truth that the negro is not equal to the white man; that*

THE DIS-UNITED STATES

Or the Southern Confederacy

*From the Collection of the New York Historical Society*

*slavery, subordination to the superior race, is his natural and normal condition.* [Applause.] *This, our new Government, is the first in the history of the world based upon this great physical, philosophical, and moral truth.* This truth has been slow in the process of its development, like all other truths in the various departments of science. It is so, even among us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many, so late as twenty years ago. Those at the North who still cling to these errors with a zeal above knowledge we justly denominate fanatics. All fanaticism springs from an aberration of the mind; from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti-slavery fanatics: their conclusions are right if their premises are. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct, their conclusions would be logical and just; but, their premises being wrong, their whole argument fails.

"In the conflict thus far, success has been on our side complete, throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate sucess of a full recognition of this principle throughout the civilized and enlightened world.

"Ours is the first Government ever instituted upon principles in strict conformity with nature, and the ordination of Providence, in furnishing the materials of human society. Many governments have been founded upon the principle of enslaving certain classes; but the classes thus enslaved were of the same race, and their enslavement in violation of the laws of nature. *Our* system commits no such violation of nature's laws. The negro, by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material—the granite—then comes the brick or the marble. The substratum of *our* society is made of the material fitted by nature for it; and by experience we know that it is the best, not only for the superior, but for the inferior race, that it should be so. It is, indeed, in conformity with the Creator. *It is not for us to inquire into the wisdom of His ordinances, or to question them.* For His own purposes, He has made one

race to differ from another, as He has made 'one star to differ from another in glory.'

"The great objects of humanity are best attained when conformed to His laws and decrees, in the formation of governments as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these laws. This stone, which was rejected by the first builders, *'is become the chief stone of the corner' in our new edifice.* [Applause.]

"I have been asked, What of the future? It has been apprehended by some that we would have arrayed against us the civilized world. I care not who or how many they may be; when we stand upon the eternal principles of truth, we are obliged to and must triumph." [Immense applause.]

With regard to future accessions to the Confederacy, Mr. Stephens said:

"Our growth by accessions from other States will depend greatly upon whether we present to the world, as I trust we shall, a better government than that to which they belong. If we do this, North Carolina, Tennessee, and Arkansas cannot hesitate long; neither can Virginia, Kentucky, and Missouri. They will necessarily gravitate to us by an imperious law. We made ample provision in our Constitution for the admission of other States. It is more guarded—and wisely so, I think—that the old Constitution on the same subject; but not too guarded to receive them so fast as it may be proper. Looking to the distant future—and perhaps not *very* distant either—it is not beyond the range of possibility, and even probability, that all the great States of the Northwest shall gravitate this way, as well as Tennessee, Kentucky, Missouri, Arkansas, etc. Should they do so, our doors are wide enough to receive them; *but not until they are ready to assimilate with us in principle.*

"The process of disintegration in the old Union may be expected to go on with almost absolute certainty. We are now the nucleus of a growing power, which, if we are true to ourselves, our destiny, and our high mission, will become the controlling power on this continent. To what extent accessions will go on, in the process of time, or where they will end, the future will determine. So far as it concerns States of the old Union, they will be upon no such principle of *reconstruction* as is now spoken of, but upon *reorganization* and new assimilation." [Loud applause.]

# CHAPTER X

## Coercion of Seceded States: Constitutional or Unconstitutional?

The President Secures a Legal Opinion on the Crisis from Attorney-General Jeremiah S. Black—Black Reports That "Coercion Is Unconstitutional"—Last Annual Message of President Buchanan: "Secession Is Revolution"—Debate in the Senate on the Threatened Secession of South Carolina: Thomas L. Clingman [N. C.], John J. Crittenden [Ky.], Joseph Lane [Ore.], John P. Hale [N. H.], Albert G. Brown [Miss.], Alfred Iverson [Ga.], Louis T. Wigfall [Tex.], Willard Saulsbury [Del.]—*London Times* on the President's Message—Speech of Senator Stephen A. Douglas [Ill.] on "Federal Property Interest in the Seceded States."

ON November 17, 1860, President Buchanan, who was preparing his last annual message to Congress, asked his Attorney-General, Jeremiah S. Black, for an opinion upon the legal status of the situation. Mr. Black returned the following report:

### Coercion Unconstitutional

#### Opinion on Secession by Attorney-General Black

Mr. Black gave it as his opinion that, where owing to resignations there were no Federal judges in a State to issue judicial process, nor officers to execute it, the use of Federal troops would be illegal, since these were intended to *aid* the courts and marshals, not to replace them. He, therefore, concluded:

"If it be true that war cannot be declared, nor a system of general hostilities carried on, by the central Government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And, if Congress shall break up the present Union by unconstitutionally putting strife, and enmity, and armed

hostility between different sections of the country, instead of the "domestic tranquillity" which the Constitution was meant to insure, will not all the States be absolved from their Federal obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?

"The right of the general Government to preserve itself in its whole constitutional vigor, by repelling a direct and positive aggression upon its property or its officers, cannot be denied. But this is a totally different thing from an offensive war to punish the people for the political misdeeds of State governments, or to prevent a threatened violation of the Constitution, or to enforce an acknowledgment that the Government of the United States is supreme. The States are colleagues of one another; and, if some of them should conquer the rest and hold them as subjugated provinces, it would totally destroy the whole theory upon which they are now connected.

"If this view of the subject be as correct as I think it is, then the Union must utterly perish at the moment when Congress shall arm one part of the people against another, for any purpose beyond that of merely protecting the general Government in the exercise of its proper constitutional functions."

The President also sought the advice of Senator Jefferson Davis [Miss.] in preparing his message. According to Davis' testimony (in his "Rise and Fall of the Confederate Government"—Vol. I, p. 59) Buchanan read to him the rough draft of the document, and accepted all the modifications which he suggested. "The message," continues Davis, "was, however, somewhat changed, and, with great deference to the wisdom and statesmanship of the author, I must say that, in my judgment, the last alterations were unfortunate."

Congress assembled on December 3, 1860, the Senators from South Carolina being absent. The last annual message of President Buchanan began with a discussion of the great crisis before the country, which followed the argument of the Attorney-General.

## Secession Is Revolution

### Last Annual Message of President Buchanan

Throughout the year since our last meeting, the country has been eminently prosperous in all its material interests. The

general health has been excellent, our harvests have been abundant, and plenty smiles throughout the land. Our commerce and manufactures have been prosecuted with energy and industry, and have yielded fair and ample returns. In short, no nation in the tide of time has ever presented a spectacle of greater material prosperity than we have done until within a very recent period.

Why is it, then, that discontent now so extensively prevails, and the Union of the States, which is the source of all these blessings, is threatened with destruction? The long-continued and intemperate interference of the Northern people with the question of slavery in the Southern States has at length produced its natural effects. The different sections of the Union are now arrayed against each other, and the time has arrived, so much dreaded by the Father of his Country, when hostile geographical parties have been formed. I have long foreseen and often forewarned my countrymen of the now impending danger. This does not proceed solely from the claim on the part of Congress or the territorial legislatures to exclude slavery from the Territories, or from the efforts of different States to defeat the execution of the Fugitive Slave Law. All or any of these evils might have been endured by the South without danger to the Union—as others have been—in the hope that time and reflection might apply the remedy. The immediate peril arises, not so much from these causes, as from the fact that the incessant and violent agitation of the slavery question throughout the North for the last quarter of a century has at length produced its malign influence on the slaves, and inspired them with vague notions of freedom. Hence a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself until it shall pervade the masses of the Southern people, then disunion will become inevitable. Self-preservation is the first law of nature, and has been implanted in the heart of man by his Creator for the wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and firesides of nearly half the parties to it habitually and hopelessly insecure. Sooner or later the bonds of such a union must be severed. It is my conviction that this fatal period has not yet arrived; and my prayer to God

is that He will preserve the Constitution and the Union throughout all generations.

But let us take warning in time, and remove the cause of danger. It cannot be denied that, for five and twenty years, the agitation at the North against slavery in the South has been incessant. In 1835 pictorial handbills and inflammatory appeals were circulated extensively throughout the South, of a character to excite the passions of the slaves; and, in the language of General Jackson, "to stimulate them to insurrection, and produce all the horrors of a servile war." This agitation has ever since been continued by the public press, by the proceedings of State and county conventions, and by abolition sermons and lectures. The time of Congress has been occupied in violent speeches on this never-ending subject; and appeals in pamphlet and other forms, indorsed by distinguished names, have been sent forth from this central point, and spread broadcast over the Union.

How easy would it be for the American people to settle the slavery question forever, and to restore peace and harmony to this distracted country!

They, and they alone, can do it. All that is necessary to accomplish the object, and all for which the slave States have ever contended, is to be let alone, and permitted to manage their domestic institutions in their own way. As sovereign States, they, and they alone, are responsible before God and the world for the slavery existing among them. For this, the people of the North are not more responsible, and have no more right to interfere, than with similar institutions in Russia or in Brazil. Upon their good sense and patriotic forbearance I confess I still greatly rely. Without their aid, it is beyond the power of any President, no matter what may be his own political proclivities, to restore peace and harmony among the States. Wisely limited and restrained as is his power, under our Constitution and laws, he alone can accomplish but little, for good or for evil, on such a momentous question.

And this brings me to observe that the election of any one of our fellow-citizens to the office of President does not of itself afford just cause for dissolving the Union. This is more especially true if his election has been effected by a mere plurality, and not a majority, of the people, and has resulted from transient and temporary causes, which may probably never again occur. In order to justify a resort to revolutionary resistance, the Federal Government must be guilty of a "deliberate, palpable, and dangerous exercise" of powers not granted by the Constitution. The late presidential election, however, has been held

in strict conformity with its express provisions. How, then, can the result justify a revolution to destroy this very Constitution? Reason, justice, a regard for the Constitution, all require that we shall wait for some overt and dangerous act on the part of the President-elect before resorting to such a remedy.

It is said, however, that the antecedents of the President-elect have been sufficient to justify the fears of the South that he will attempt to invade their constitutional rights. But are such apprehensions of contingent danger in the future sufficient to justify the immediate destruction of the noblest system of government ever devised by mortals? From the very nature of his office, and its high responsibilities, he must necessarily be conservative. The stern duty of administering the vast and complicated concerns of this Government affords in itself a guaranty that he will not attempt any violation of a clear constitutional right. After all, he is no more than the chief executive officer of the Government. His province is not to make, but to execute the laws; and it is a remarkable fact in our history that, notwithstanding the repeated efforts of the anti-slavery party, no single act has ever passed Congress, unless we may possibly except the Missouri compromise, impairing, in the slightest degree, the rights of the South to their property in slaves. And it may also be observed, judging from present indications, that no probability exists of the passage of such an act by a majority of both Houses, either in the present or the next Congress. Surely, under these circumstances, we ought to be restrained from present action by the precept of Him who spake as never man spake, that "sufficient unto the day is the evil thereof." The day of evil may never come, unless we shall rashly bring it upon ourselves.

It is alleged as one cause for immediate secession that to the Southern States are denied equal rights with the other States in the common Territories. But by what authority are these denied? Not by Congress, which has never passed, and I believe never will pass, any act to exclude slavery from these Territories; and certainly not by the Supreme Court, which has solemnly decided that slaves are property, and, like all other property, their owners have a right to take them into the common Territories, and hold them there under the protection of the Constitution. Yet such has been the factious temper of the times that the correctness of this decision has been extensively impugned before the people, and the question has given rise to angry political conflicts throughout the country. Those who have appealed from this judgment of our highest constitutional

tribunal to popular assemblies would, if they could, invest a territorial legislature with power to annul the sacred rights of property. This power Congress is expressly forbidden by the Federal Constitution to exercise. Were it otherwise, then indeed would the equality of the States in the Territories be destroyed, and the rights of property in slaves would depend, not upon the guaranties of the Constitution, but upon the shifting majorities of an irresponsible territorial legislature. Such a doctrine, from its intrinsic unsoundness, cannot long influence any considerable portion of our people; much less can it afford a good reason for a dissolution of the Union.

The most palpable violations of constitutional duty which have yet been committed consist in the acts of different State legislatures to defeat the execution of the Fugitive Slave Law. It ought to be remembered, however, that for these acts neither Congress nor any President can justly be held responsible. The validity of this law has been established over and over again by the Supreme Court of the United States, with perfect unanimity. Here, then, a clear case is presented, in which it will be the duty of the next President, as it has been my own, to act with vigor in executing this supreme law against the conflicting enactments of State legislatures. Should he fail in the performance of this high duty, he will then have manifested a disregard of the Constitution and laws, to the great injury of the people of nearly one-half of the States of the Union. But are we to presume in advance that he will thus violate his duty? This would be at war with every principle of justice and of Christian charity. Let us wait for the overt act. Let us trust that the State legislatures will repeal their unconstitutional and obnoxious enactments. Unless this shall be done without unnecessary delay, it is impossible for any human power to save the Union.

The Southern States, standing on the basis of the Constitution, have a right to demand this act of justice from the States of the North. Should it be refused, then the Constitution, to which all the States are parties, will have been willfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event, the injured States, after having first used all peaceful and constitutional means to obtain redress, would be justified in revolutionary resistance to the Government of the Union.

I have purposely confined my remarks to revolutionary resistance, because it has been claimed within the last few years that any State, whenever this shall be its sovereign will and pleasure, may secede from the Union, in accordance with the

Constitution, and without any violation of the constitutional rights of the other members of the Confederacy; that, as each became parties to the Union by the vote of its own people assembled in convention, so any one of them may retire from the Union in a similar manner by the vote of such a convention.

In order to justify secession as a constitutional remedy, it must be on the principle that the Federal Government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contracting parties. If this be so, the Confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States. In this manner our thirty-three States may resolve themselves into as many petty, jarring, and hostile republics, each one retiring from the Union, without responsibility, whenever any sudden excitement might impel them to such a course. By this process, a Union might be entirely broken into fragments in a few weeks, which cost our forefathers many years of toil, privation, and blood to establish.

Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution. Its opponents contended that it conferred powers upon the Federal Government dangerous to the rights of the States; while its advocates maintained that under a fair construction of the instrument there was no foundation for such apprehensions. In that mighty struggle between the first intellects of this or any other country, it never occurred to any individual, either among its opponents or advocates, to assert, or even to intimate, that their efforts were all vain labor, because the moment that any State felt herself aggrieved she might secede from the Union. What a crushing argument would this have proved against those who dreaded that the rights of the States would be endangered by the Constitution! The truth is that it was not until many years after the origin of the Federal Government that such a proposition was first advanced. It was then met and refuted by the conclusive arguments of President Jackson.

It is not pretended that any clause in the Constitution gives countenance to such a theory. It is altogether founded upon inference, not from any language contained in the instrument itself, but from the sovereign character of the several States by which it was ratified. But is it beyond the power of a State, like an individual, to yield a portion of its sovereign rights to secure the remainder? In the language of Mr. Madison, who has been called the father of the Constitution, "it was formed by the States—that is, by the people in each of the States, acting

in their highest sovereign capacity; and formed consequently by the same authority which formed the State constitutions."

The Union was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties. The old Articles of Confederation were entitled "Articles of Confederation and Perpetual Union between the States"; and by the thirteenth article it is expressly declared that "the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual." The preamble to the Constitution of the United States, having express reference to the Articles of Confederation, recites that it was established "in order to form a more perfect union." And yet it is contended that this "more perfect union" does not include the essential attribute of perpetuity.

But that the Union was designed to be perpetual appears conclusively from the nature and extent of the powers conferred by the Constitution on the Federal Government. These powers embrace the very highest attributes of national sovereignty. They place both the sword and the purse under its control.

But the Constitution has not only conferred these high powers upon Congress, but it has adopted effectual means to restrain the States from interfering with their exercise.

In order still further to secure the uninterrupted exercise of these high powers against State interposition, it is provided "that this Constitution and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

The solemn sanction of religion has been superadded to the obligations of official duty, and all Senators and Representatives of the United States, all members of State legislatures, and all executive and judicial officers, "both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

In short, the Government created by the Constitution, and deriving its authority from the sovereign people of each of the several States, has precisely the same right to exercise its power over the people of all these States, in the enumerated cases, that each one of them possesses over subjects not delegated to the United States, but "reserved to the States, respectively, or to the people."

To the extent of the delegated powers, the Constitution of

the United States is as much a part of the constitution of each State, and is as binding upon its people, as though it had been textually inserted therein.

This Government, therefore, is a great and powerful Government, invested with all the attributes of sovereignty over the special subjects to which its authority extends. Its framers never intended to implant in its bosom the seeds of its own destruction, nor were they at its creation guilty of the absurdity of providing for its own dissolution. It was not intended by its framers to be the baseless fabric of a vision which, at the touch of the enchanter, would vanish into thin air; but a substantial and mighty fabric, capable of resisting the slow decay of time and of defying the storms of ages. Indeed, well may the jealous patriots of that day have indulged fears that a Government of such high powers might violate the reserved rights of the States; and wisely did they adopt the rule of a strict construction of these powers to prevent the danger! But they did not fear, nor had they any reason to imagine, that the Constitution would ever be so interpreted as to enable any State, by her own act, and without the consent of her sister States, to discharge her people from all or any of their Federal obligations.

It may be asked, then, are the people of the States without redress against the tyranny and oppression of the Federal Government? By no means. The right of resistance on the part of the governed against the oppression of their governments cannot be denied. It exists independently of all constitutions, and has been exercised at all periods of the world's history. It is embodied in strong and express language in our own Declaration of Independence. But the distinction must ever be observed, that this is revolution against an established government, and not a voluntary secession from it by virtue of an inherent constitutional right. In short, let us look the danger fairly in the face: Secession is neither more nor less than revolution. It may or it may not be a justifiable revolution, but still it is revolution.

What, in the meantime, is the responsibility and true position of the Executive? He is bound by solemn oath before God and the country "to take care that the laws be faithfully executed," and from this obligation he cannot be absolved by any human power. But what if the performance of this duty, in whole or in part, has been rendered impracticable by events over which he could have exercised no control? Such, at the present moment, is the case throughout the State of South Carolina, so far as the laws of the United States to secure the administra-

tion of justice by means of the Federal judiciary are concerned. All the federal officers within its limits, through whose agency alone these laws can be carried into execution, have already resigned. In fact, the whole machinery of the Federal Government, necessary for the distribution of remedial justice among the people, has been demolished; and it would be difficult, if not impossible, to replace it.

The only acts of Congress on the statute book bearing upon this subject are those of the 28th February, 1795, and 3d March, 1807. These authorize the President, after he shall have ascertained that the marshal, with his *posse comitatus,* is unable to execute civil or criminal process in any particular case, to call forth the militia and employ the army and navy to aid him in performing this service; having first, by proclamation, commanded the insurgents "to disperse and retire peaceably to their respective abodes, within a limited time." This duty cannot by possibility be performed in a State where no judicial authority exists to issue process, and where there is no marshal to execute it, and where, even if there were such an officer, the entire population would constitute one solid combination to resist him.

The bare enumeration of these provisions proves how inadequate they are without further legislation to overcome a united opposition in a single State, not to speak of other States who may place themselves in a similar attitude. Congress alone has power to decide whether the present laws can or cannot be amended so as to carry out more effectually the objects of the Constitution.

The same insuperable obstacles do not lie in the way of executing the laws for the collection of the customs. The revenue still continues to be collected, as heretofore, at the custom-house in Charleston; and should the collector unfortunately resign, a successor may be appointed to perform this duty.

Then, in regard to the property of the United States in South Carolina. This has been purchased for a fair equivalent, "by the consent of the legislature of the State," "for the erection of forts, magazines, arsenals," etc., and over these the authority "to exercise exclusive legislation" has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but, if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive. In such a contingency, the responsibility for consequences would rightfully rest upon the heads of the assailants.

Apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. Any attempt to do this would, on his part, be a naked act of usurpation. It is, therefore, my duty to submit to Congress the whole question in all its bearings. The course of events is so rapidly hastening forward that the emergency may soon arise when you may be called upon to decide the momentous question whether you possess the power, by force of arms, to compel a State to remain in the Union. I should feel myself recreant to my duty were I not to express an opinion on this important subject.

The question fairly stated is: Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw or has actually withdrawn from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and to make war against a State. After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress or to any other department of the Federal Government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not "necessary and proper for carrying into execution" any one of these powers. So far from this power having been delegated to Congress, it was expressly refused by the convention which framed the Constitution.

It appears, from the proceedings of that body, that on the 31st May, 1787, the clause "*authorizing an exertion of the force of the whole against a delinquent State*" came up for consideration. Mr. Madison opposed it in a brief but powerful speech, from which I shall extract but a single sentence. He observed: "The use of force against a State would look more like a declaration of war than an infliction of punishment; and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound." Upon his motion the clause was unanimously postponed, and was never, I believe, again presented. Soon afterward, on the 8th June, 1787, when incidentally adverting to the subject, he said: "Any government for the United States, formed on the supposed practicability of using force against the unconstitutional proceedings of the States, would prove as visionary and fallacious as

the government of Congress," evidently meaning the then existing Congress of the old Confederation.

Without descending to particulars, it may be safely asserted that the power to make war against a State is at variance with the whole spirit and intent of the Constitution. Suppose such a war should result in the conquest of a State: how are we to govern it afterward? Shall we hold it as a province, and govern it by despotic power? In the nature of things we could not, by physical force, control the will of the people, and compel them to elect Senators and Representatives to Congress, and to perform all the other duties depending upon their own volition, and required from the free citizens of a free State as a constituent member of the Confederacy.

But, if we possessed this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only present the most effectual means of destroying it, but would banish all hope of its peaceable reconstruction. Besides, in the fraternal conflict a vast amount of blood and treasure would be expended, rendering future reconciliation between the States impossible. In the meantime, who can foretell what would be the sufferings and privations of the people during its existence?

The fact is that our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war. If it cannot live in the affections of the people, it must one day perish. Congress possess many means of preserving it by conciliation; but the sword was not placed in their hand to preserve it by force.

But may I be permitted solemnly to invoke my countrymen to pause and deliberate, before they determine to destroy this, the grandest temple which has ever been dedicated to human freedom since the world began! It has been consecrated by the blood of our fathers, by the glories of the past, and by the hopes of the future. The Union has already made us the most prosperous, and ere long will, if preserved, render us the most powerful, nation on the face of the earth. In every foreign region of the globe the title of American citizen is held in the highest respect, and, when pronounced in a foreign land, it causes the hearts of our countrymen to swell with honest pride. Surely when we reach the brink of the yawning abyss, we shall recoil with horror from the last fatal plunge. By such a dread catastrophe the hopes of the friends of freedom throughout the world would be destroyed, and a long night of leaden despotism would enshroud the nations. Our example for more than eighty years

would not only be lost, but it would be quoted as a conclusive proof that man is unfit for self-government.

It is not every wrong—nay, it is not every grievous wrong—which can justify a resort to such a fearful alternative. This ought to be the last desperate remedy of a despairing people, after every other constitutional means of conciliation had been exhausted. We should reflect that under this free Government there is an incessant ebb and flow in public opinion. The slavery question, like everything human, will have its day. I firmly believe that it has already reached and passed the culminating point. But if, in the midst of the existing excitement, the Union shall perish, the evil may then become irreparable. Congress can contribute much to avert it by proposing and recommending to the legislatures of the several States the remedy for existing evils, which the Constitution has itself provided for its own preservation in the fifth article providing for its own amendment. This has been tried at different critical periods of our history, and always with eminent success.

Here the President enumerated instances of such amendment.

This is the course which I earnestly recommend in order to obtain an "explanatory amendment" of the Constitution on the subject of slavery. This might originate with Congress or the State legislatures, as may be deemed most advisable to attain the object.

The explanatory amendment might be confined to the final settlement of the true construction of the Constitution on three special points:

1. An express recognition of the right of property in slaves in the States where it now exists or may hereafter exist.

2. The duty of protecting this right in all the common Territories throughout their territorial existence, and until they shall be admitted as States into the Union, with or without slavery, as their constitutions may prescribe.

3. A like recognition of the right of the master to have his slave, who has escaped from one State to another, restored and "delivered up" to him, and of the validity of the Fugitive Slave Law enacted for this purpose, together with a declaration that all State laws impairing or defeating this right are violations of the Constitution, and are consequently null and void.

It may be objected that this construction of the Constitution has already been settled by the Supreme Court of the United

States, and what more ought to be required? The answer is that a very large proportion of the people of the United States still contest the correctness of this decision, and never will cease from agitation and admit its binding force until clearly established by the people of the several States in their sovereign character. Such an explanatory amendment would, it is believed, forever terminate the existing dissensions and restore peace and harmony among the States.

It ought not to be doubted that such an appeal to the arbitrament established by the Constitution itself would be received with favor by all the States of the Confederacy. In any event it ought to be tried in a spirit of conciliation before any of these States shall separate themselves from the Union.

The President's message was debated at length in both the Senate and the House.

### The Threatened Secession of South Carolina

Senate, December 4-5, 1860

Thomas L. Clingman [N. C.] objected to that part of the message which referred to President-elect Lincoln. He asserted that Lincoln had been elected "because he was known to be a dangerous man," having avowed the principle known as "the irrepressible conflict. He would undoubtedly adopt a drastic policy in regard to slavery. Already it was proposed to repeal the Fugitive Slave Law—indeed, the Northern legislatures had rendered it a practical nullity.

The President has said that there ought to be new constitutional guaranties. I do not see how any Southern man can make propositions. We have petitioned and remonstrated for the last ten years, and to no purpose. In my judgment, unless the decided constitutional guaranties are obtained at an early day, it will be best for all sections that a peaceable division of the public property should take place.

I know there are intimations that suffering will fall upon us in the South if we secede. My people are not terrified by any such considerations. The Southern States have more territory than all the colonies had when they seceded from Great Britain, and a better territory. The Southern States have, too, at this

day, four times the population the colonies had when they seceded from Great Britain. Their exports to the North and to foreign countries were, last year, more than three hundred million dollars; and a duty of ten per cent. upon the same amount of imports would give $30,000,000 of revenue—twice as much as General Jackson's Administration spent in its first year. Everybody can see, too, how the bringing in of $300,000,000 of imports into the Southern ports would enliven business in our seaboard towns. I have seen with some satisfaction, also, Mr. President, that the war made upon us has benefited certain branches of industry in my State. There are manufacturing establishments in North Carolina, the proprietors of which tell me that they are making fifty per cent. annually on their whole capital, and yet cannot supply one-tenth of the demands for their productions. The result of only ten per cent. duties in excluding products from abroad would give life and impetus to mechanical and manufacturing industry throughout the entire South. Our people understand these things, and they are not afraid of results if forced to declare independence. Indeed, I do not see why Northern Republicans should wish to continue a connection with us upon any terms. They say that our institutions are a disgrace to the political family, which they intend to remove. They declare African slavery to be a crime, and that it must be abolished. If we and they separate, their consciences will be freed from all responsibility for this sin. They want high tariffs likewise. They may put on five hundred per cent., if they choose, upon their own imports, and nobody on our side will complain. They may spend all the money they raise on railroads, or opening harbors, or anything on earth they desire, without interference from us; and it does seem to me that if they are sincere in their views they ought to welcome a separation.

I confess, Mr. President, that I do not know whether or not I understand the views of the message exactly on some points. There is something said in it about collecting the revenue. I fully agree with the President that there is no power or right in this Government to attempt to coerce a State back into the Union; but if the State does secede, and thus becomes a foreign State, it seems to me equally clear that you have no right to collect taxes in it. I do not know, sir, whether I am given to understand from the message that there is a purpose to continue the collection of duties in any contingency; but if that be the policy I have no doubt some collision may occur. I deprecate it and hope there will be none. If there is to be a separation either of a part or the whole of the slaveholding States, I think

it better for all parties that it should be done peaceably and quietly.

Now, as to this idea of gentlemen waiting for overt acts. I take it for granted that Lincoln would resort to no overt acts in the first instance. I cannot conceive that he would have the folly to do so. I presume he would be conservative in his declarations, and I should attach just as much weight to them as I would to the soothing words and manner of a man who wanted to mount a wild horse, and who would not, until he was safely in the saddle, apply whip or spur. I take it for granted, when he comes in, he will make things as quiet as he can make them at first. I presume the policy of the party would be to endeavor to divide the South. They complain that Abolition documents are not circulated there. They wish to have an opportunity, by circulating such things as Helper's book, of arraying the non-slaveholders and poor men against the wealthy. I have no doubt, also, they would run off slaves faster from the border States, and perhaps oblige the slave owners to send them down farther South, so as to make some of those States free States; and then, when the South was divided to some extent, the overt acts would come, and we should have, perhaps, a hard struggle to escape destruction.

Therefore, I maintain that our true policy is to meet this issue *in limine*,[1] and I hope it will be done. If we can maintain our personal safety, let us hold onto the present Government; if not, we must take care of ourselves at all hazards.

John J. Crittenden [Ky.] deprecated the disunion sentiments of the Senator from North Carolina, and would search out some means for the reconciliation of the opposing sections. He did not agree that there is no power in the President to preserve the Union.

To say that no State has a right to secede, that it is a wrong to the Union, and yet that the Union has no right to interpose any obstacles to its secession, is altogether contradictory.

Senator Clingman,—Mr. President, it seems to me that ignoring these evils is like talking of health when a man is very ill. You must apply remedies that will reach the disease. One of the wisest remarks that Mr. Calhoun ever made was that the Union could not be saved by eulogies upon it. We have had eulogies upon the Union until they have been productive of mischief. The Abolitionists say that "the South cannot be

[1] On the threshold.

kicked out of the Union," and Southern men say amen to it. I do not refer to the Senator; but I mean that the tone and language in the South have been calculated to encourage the Abolitionists, and render them only the more insolent and aggressive. It was therefore I frankly made the declarations already uttered. I will join the honorable Senator, in good faith, in an effort to avert the evil that threatens us, if any fair prospect should be presented. Failing in this, I will stand by my State in any effort she may find necessary to protect her interests and maintain her honor.

Joseph Lane [Ore.] asserted that the election of Lincoln was against the spirit of the Constitution.

It never was contemplated by those who made the Constitution that a sectional party, without an electoral ticket in nearly one-half the States of the Union, upon a platform conflicting with the Constitution and with the rights of the States in one-half of our country, should elect a President. My opinion to-day is, if our fathers in forming that instrument had provided any means by which the legality of this election could be tested, before the Supreme Court if you please, they would in this case decide in equity that the election of Mr. Lincoln conflicts with the Constitution of the United States, and is consequently void.

JOHN P. HALE [N. H.].—No doubt of it.

SENATOR LANE.—And, sir, while I know there is no such redress, I am nevertheless, notwithstanding the smiles or laughs of gentlemen on the opposite side, fully convinced of the correctness of my position. Without the maintenance of the principle of the equality of the States the Union never could have been formed, and the Constitution never could have been adopted. Sir, that equality must be maintained, or this Union cannot and ought not to last. Upon what principle of right can a Northern, sectional party set up exclusive claim to territory acquired at the sacrifice of Southern as well as Northern blood? Can such unjust pretensions be allowed, or can the Union be preserved on such terms? I think not. To preserve the Union, we must carry out in good faith every guaranty of the Constitution.

SENATOR HALE.—I was very much in hopes when the message was presented that it would be a document which would commend itself cordially to somebody. I was not so sanguine about its pleasing myself, but I was in hopes that it would be one thing or another. But, sir, I have read it somewhat carefully;

and, if I understand it, it is this: South Carolina has just cause for seceding from the Union; that is the first proposition. The second is that she has no right to secede. The third is that we have no right to prevent her from seceding. That is the President's message substantially. He goes on to represent this as a great and powerful country, and that no State has a right to secede from it; but the power of the country, if I understand the President, consists in what Dickens makes the English constitution to be—a power to do nothing at all.

Now, sir, I think it was incumbent on the President of the United States to point out definitely and recommend to Congress some rule of action, and to tell us what he recommended us to do. But, in my judgment, he has entirely avoided it. He has failed to look the thing in the face. He has acted like the ostrich, which hides her head, and thereby thinks to escape danger. Sir, the only way to escape danger is to look it in the face.

I think we might as well look this matter right clearly in the face. I think that this state of affairs looks to one of two things: it looks to absolute submission, not on the part of our Southern friends and the Southern States, but of the North, to the abandonment of their position—it looks to a surrender of that popular sentiment which has been uttered through the constituted forms of the ballot box; or it looks to open war. We need not shut our eyes to the fact. It means war, and it means nothing else; and the State which has put herself in the attitude of secession so looks upon it. She has asked no counsel, she has considered it as a settled question, and she has armed herself. As I understand the aspect of affairs, it looks to that, and it looks to nothing else except unconditional submission on the part of the majority.

Now, I avow here—I do not know whether or not I shall be sustained by those who usually act with me—if the issue which is presented is that the constitutional will of the public opinion of this country, expressed through the forms of the Constitution, will not be submitted to, and war is the alternative, let it come in any form or in any shape. The Union is dissolved and it cannot be held together as a Union, if that is the alternative upon which we go into an election. If it is preannounced and determined that the voice of the majority expressed through the regular and constituted forms of the Constitution will not be submitted to, then, sir, this is not a union of equals; it is a union of a dictatorial oligarchy on the one side, and a herd of slaves and cowards on the other.

Albert G. Brown [Miss.].—All we ask is that we be allowed

to depart in peace. Do you mean to say that that is not to be allowed us, that we shall neither have peace in the Union, nor be allowed the poor boon of seeking it out of the Union? If that be your attitude, war in inevitable. We feel as every American citizen not blinded by passion and by prejudice must feel, that in this transaction we have been deeply aggrieved; that the accumulating wrongs of years have finally culminated in your triumph—not the triumph of Abraham Lincoln, not your individual triumph—but in the triumph of principles, to submit to which would be the deepest degradation that a free people ever submitted to. We cannot. Calmly, quietly, with all the dignity which I can summon, I say to you, we will not submit to it. We invite no war; we expect none, and hope for none. We say in the language which I once used to the Senator from New York not now in his seat [Mr. Seward], "Let there be no strife, I pray thee, between me and thee, and between my herdmen and thy herdmen, for we be brethren. If thou wilt take the left hand, then I will go to the right; or if thou depart to the right hand, then I will go to the left." All we ask is to be allowed to depart in peace. Submit we will not; and if, because we will not submit to your domination, you choose to make war upon us, let God defend the right.

Alfred Iverson [Ga.].—While I do not agree with some portions of the message, and some of the positions which have been taken by the President, I do not perceive all the inconsistencies in that document which the Senator from New Hampshire has thought proper to present.

It is true that the President denies the constitutional right of a State to secede from the Union; while, at the same time, he also states that this Federal Government has no constitutional right to enforce or to coerce a State back into the Union which may take upon itself the responsibility of secession. I do not see any inconsistency in that.

I agree with the President that the secession of a State is an act of revolution. It withdraws from the federal compact, disclaims any further allegiance to it, and sets itself up as a separate government, an independent State. The State does it at its peril, of course, because it may or may not be cause of war by the remaining States composing the Federal Government. If they think proper to consider it such an act of disobedience, or if they consider that the policy of the Federal Government be such that it cannot submit to this dismemberment, why then they may or may not make war if they choose upon the seceding States. It will be a question of course for the Federal Gov-

ernment or the remaining States to decide for themselves, whether they will permit a State to go out of the Union, and remain as a separate and independent State, or whether they will attempt to force her back at the point of the bayonet. That is a question, I presume, of policy and of expediency, which will be considered by the remaining States composing the Federal Government, through their organ, the Federal Government, whenever the contingency arises.

But, sir, while no State may have the constitutional right to secede from the Union, the President may not be wrong when he says the Federal Government has no power under the Constitution to compel the State to come back into the Union. It may be a *casus omissus* in the Constitution; but I should like to know where the power exists in the Constitution of the United States to authorize the Federal Government to coerce a sovereign State. It does not exist in terms, at any rate, in the Constitution. I do not think there is any inconsistency, therefore, between the two positions of the President in the message upon these particular points.

The only fault I have to find with the message is the inconsistency of another portion. The President declares that all the laws of the Federal Government are to operate directly upon each individual of the States, if not upon the States themselves, and must be enforced; and yet, at the same time, he says that the State which secedes is not to be coerced. Of course the State is composed of individuals within its limits, and if you enforce the laws and obligations of the Federal Government against each and every individual of the State, you enforce them against a State. That the Federal Government is to enforce its laws over the seceding State, and yet not coerce her into obedience, is to me incomprehensible.

You talk about concessions. You talk about repealing the personal liberty bills as a concession to the South. Repeal them all to-morrow, sir, and it would not stop the progress of this revolution. It is not your personal liberty bills that we dread. Those personal liberty bills are obnoxious to us not on account of their practical operation, not because they prevent us from reclaiming our fugitive slaves, but as an evidence of that deep-seated, widespread hostility to our institutions, which must sooner or later end in this Union in their extinction. Sir, if all the liberty bills were repealed to-day, the South would no more gain her fugitive slaves than if they were in existence. It is not the personal liberty laws; it is mob laws that we fear. It is the existence and action of the public sentiment of the North-

ern States that are opposed to this institution of slavery, and are determined to break it down—to use all the power of the Federal Government, as well as every other power in their hands, to bring about its ultimate and speedy extinction. That is what we apprehend, and what in part moves us to look for security and protection in secession and a Southern confederacy.

Nor do we suppose that there will be any overt acts upon the part of Mr. Lincoln. For one, I do not dread these overt acts. I do not propose to wait for them. Why, sir, the power of this Federal Government could be so exercised against the institution of slavery in the Southern States as that, without an overt act, the institution would not last ten years. We know that, sir; and seeing the storm which is approaching, although it may be seemingly in the distance, we are determined to seek our own safety and security before it shall burst upon us and overwhelm us with its fury, when we are not in a situation to defend ourselves.

We intend, Mr. President, to go out peaceably if we can, forcibly if we must; but I do not believe, with the Senator from New Hampshire, that there is going to be any war. If five or eight States go out, they will necessarily draw all the other Southern States after them. That is a consequence that nothing can prevent. If five or eight States go out of this Union, I should like to see the man that would propose a declaration of war against them, or attempt to force them into obedience to the Federal Government at the point of the bayonet or the sword.

Sir, there has been a good deal of vaporing on this subject. A great many threats have been thrown out. I have heard them on this floor, and upon the floor of the other House of Congress; but I have also perceived this: they come from those who would be the very last men to attempt to put their threats into execution. Men talk sometimes about their eighteen million who are to whip us; and yet we have heard of cases in which just such men had suffered themselves to be switched in the face, and trembled like sheep-stealing dogs, expecting to be shot every minute.

But, sir, there is to be no war. The Northern States are controlled by sagacious men, like the distinguished Senator from New York [William H. Seward]. Where public opinion and action are thus controlled by men of common sense, who know well that they cannot succeed in a war against the Southern States, no such attempt at coercion will be made. If one State alone was to go out, unsustained by her surrounding sister

States, possibly war might ensue, and there might be an attempt made to coerce her, and that would give rise to civil war; but, sir, South Carolina is not to go out alone. In my opinion, she will be sustained by all her Southern sisters. They may not all go out immediately; but they will, in the end, join South Carolina in this important movement; and we shall, in the next twelve months, have a confederacy of the Southern States, and a government inaugurated, and in successful operation, which, in my opinion, will be a government of the greatest prosperity and power that the world has ever seen.

The fifteen slave States, or even the five of them now moving, banded together in one government, and united as they are soon to be, would defy the world in arms, much less the Northern States of this confederacy. Fighting on our own soil, in defence of our own sacred rights and honor, we could not be conquered even by the combined forces of all the other States; and sagacious, sensible men in the Northern States would understand that too well to make the effort.

Besides, what would they gain if they conquered us? Would it be a Union worth preserving which is maintained by force? No, sir. I do not apprehend any war. But if the Northern States, or the Federal Government controlled by the counsels of the Northern States, shall attempt to coerce us, then war will come; and, like the Senator from New Hampshire, if he wants war, I say here to-day we are ready for it. We do not believe that war will ensue, but a wise man will always prepare for any danger or contingency that may arise; and we are preparing for war. We will fight for our liberties, our rights, and our honor. United, as we shall be, in interest and in all that we hold dear, we do not dread war, except so far as the terrible consequences which always follow armed collisions.

But, sir, I think that when we go out and form our confederacy—as I hope we shall do very shortly—the Northern States, or the Federal Government, will see the true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties. I have no doubt but that both of us—certainly the Southern States—would live better, more happily, more prosperously, and with greater friendship than we live now in this Union.

Sir, disguise the fact as you will, there is an enmity between the Northern and Southern people that is deep and enduring, and you never can eradicate it—never! Look at the spectacle exhibited on this floor. How is it? There are the Republican Northern Senators upon that side. Here are the Southern Senators on this side. How much social intercourse is there between us? You sit upon your side, silent and gloomy; we sit upon ours with knit brows and portentous scowls. Yesterday I observed that there was not a solitary man on that side of the Chamber came over here to extend the civilities and courtesies of life; nor did any of us go over there. Here are two hostile bodies on this floor; and it is but a type of the feeling that exists between the two sections. We are enemies as much as if we were hostile states. I believe that the Northern people hate the South worse than ever the English people hated France; and I can tell my brethren over there that there is no love lost upon the part of the South.

In this state of feeling, divided as we are by interest, by a geographical feeling, by everything that makes two people separate and distinct, I ask why we should remain in the same Union together? We have not lived in peace; we are not now living in peace. It is not expected or hoped that we shall ever live in peace. My doctrine is that, whenever even man and wife find that they must quarrel and cannot live in peace, they ought to separate; and these two sections—the North and South—manifest, as they have done and do now, and probably ever will manifest, feelings of hostility, separated as they are in interests and objects, my own opinion is they can never live in peace; and the sooner they separate the better.

Sir, I do not believe there will be any war; but, if war is to come, let it come. We will meet the Senator from New Hampshire and all the myrmidons of Abolitionism and Black Republicanism everywhere, upon our own soil; and in the language of a distinguished member from Ohio [Thomas Corwin] in relation to the Mexican war, we will "welcome you with bloody hands to hospitable graves."[1]

Louis T. Wigfall [Tex.].—The Senator from Georgia and I do not understand the Constitution in the same way; and he and I do not look at the great issues that are now pending, and which are soon to be precipitated upon the country, from the same standpoint. If I believed that the act of secession was one of revolution, that it was one in direct conflict with the Constitution of the United States that I am sworn to obey, I

[1] See Volume II, page 367.

should hesitate much before I would advise such action as I am in the habit of advising to those who ask my opinions.

In 1852 the Democratic party at Baltimore adopted the Kentucky and Virginia resolutions, with Mr. Madison's report, as their text and creed. No man who professes to believe those doctrines can deny the sovereignty of the States. No man who professes to believe those doctrines can deny that the Constitution is a compact between States and that the States are the judges in the last resort of the meaning of that compact; and no man who admits that the Constitution is a compact between States, to which each State acceded as a State, can deny the right to secede, whenever any State sees fit. To talk of secession, therefore, being a revolutionary right is to use terms with a looseness and want of signification, a want of accuracy, that render discussion upon such a question utterly impossible between men who use these terms with definite meanings and those who use them vaguely.

When political communities, when nations, when States, enter into compacts with each other, the effect is to bind all their citizens. When the State of Texas ratified the Constitution of the United States it was a matter of not the slightest importance whether I or any other citizen of that State approved or disapproved of the ratification. We were bound by it. *Eo instanti*[1] the laws of the United States became operative within the limits of that State, and we were bound to obey those laws. When Texas, in her sovereign capacity, when the political power which made this compact, shall revoke the ratification, the laws of the United States cease there to operate, and the citizens of Texas cease to owe any obedience to the laws of the United States, because the laws of the United States extend over the limits of the United States, and Texas, having ceased to be one of the States of this Union, of course the operation and effect of those laws stop at her limits. These are plain propositions which those who call themselves Democrats profess, and those who are Democrats believe.

Has a State the right to withdraw without cause? Has a State the right to withdraw with cause? I say that it is a matter of not the slightest consequence whether there be cause or not. Each State must act for herself and upon her own responsibility, and the only thing in the message of the President which he says cannot be done is the only thing that I believe can be done by this Government when a State has withdrawn, and that is to declare war. By the Constitution of the

[1] In that instant.

United States the Federal Government has the right to declare war. We can to-day declare war against England or against any of the great European powers. There is no cause for declaring war; but suppose we declare it: war exists; letters of marque and reprisal can be issued; their commerce can be cut up; their towns can be burned and their forts bombarded. Who can prevent it? There is the question. Suppose that Great Britain and the United States put each a different construction upon one of their treaties: the right or the wrong does not alter the fact. The United States Government can this day revoke the ratification of any treaty between her and Great Britain.

Now, then, the treaty being revoked, what is the remedy? If it is done in bad faith, if it is done without sufficient cause, the only certain result will be political infamy. The nation that breaks its treaties without cause is disgraced in the eyes of civilized man. War may result, but the treaty nevertheless would be dissolved and the citizens released from all obligations to obey it. When, then, one of these States revokes the treaty, as it is called in our platform—because the second Kentucky resolution says that it is a compact under the style and title of a Constitution for the United States, to which each State acceded as a State, and a compact between nations is a treaty—if, then, one of these States shall revoke that treaty, resume all the powers which she had delegated to the Federal Government, and vest them in her own State government, that very instant, I say, the State is, by operation of law, out of the Union; her citizens cease to owe obedience to the laws of the United States; and she is, to all intents and purposes, a foreign power. This Government can declare war if it sees fit, because it has the war-making power. The question then arises, should it declare war? The answer must be found in the breast of each man who is authorized to administer the powers of this Government.

I say, then, a State has a right, with or without cause, to withdraw; that this Government can, with or without cause, declare war. I say when a State has withdrawn she is out of the Union, and her citizens cease to owe obedience to the laws of this Government; and when this Government has declared war, with or without reason, that war exists, and all citizens found fighting under the banner of the State to which they owe their allegiance must be treated as prisoners of war if taken in battle; those who are found in the ranks of the enemy will be treated as traitors and executed by the authorities of the States which they have traitorously taken up arms against.

Now, this matter of war has been talked of this morning. I have no threats to make. The fact is, like Sempronius,[1] my thoughts are turned on peace. I do not think one of these cotton States, or even one of the tobacco States, withdrawing from this Union will be any cause of war. If it is or is not, this Government can declare war; and I judge that the gentlemen upon the other side of the Chamber hardly suppose that we will be stopped in our course by any apprehension that war will be the result. Surely we do not expect to make war on them. We intend to assert only that great principle which is set forth in a document for which they have such high admiration—I mean the Declaration of Independence—that every people have a right to live under such form of government as suits them. If this Government does not suit us, we will leave it. When we leave it we will not leave it as rebels, nor as traitors, nor irregularly. But the State governments will call conventions; the people will be heard; they will vote; and, unless a large majority of the people of each one of these States are in favor of resuming the powers, the powers will not be resumed. When a large number of the people of any one of these States shall conclude that they will live more happily or more prosperously under another government, they will assert that right by reforming their constitution, and erecting another government upon the ruins of the one which they have destroyed.

I regretted much to see in the message the doctrine set forth that a State had not the right constitutionally to secede, and the further error fallen into by the President that this doctrine was one of late origin. I hold in my hand, sir, Elliot's "Debates," in which the ratifications of the different States are printed; and it seems that when New York came to ratify the Constitution—there being very great doubt as to the expediency of forming a confederation such as was proposed by this Constitution, and there being bitter hostility on the part of many, there being many doubts as to how the new Government would operate—the people of New York, by their deputies assembled in convention, in the very articles of ratification, declared explicitly in these words:

"That the powers of Government may be reassumed by the people, whensoever it shall become necessary to their happiness."—*Elliot's Debates on Federal Constitution,* 1787, Vol. I., p. 361.

[1] Evidently a mistake. In Addison's "Cato" the "voice" of Sempronius was "for war."

Now, I ask any Senator upon either side of this floor what is the plain rule of construing contracts? If a partnership is about to be entered into by individuals, and they refer it to an attorney who is to draw up the articles of agreement, and when they come to sign it, and after it has been signed by some, one of the parties inserts above his signature an additional qualification, is there a court of justice in a civilized nation that will not hold that that new stipulation is as much a part of the compact as if it had been inserted in the body of it? Then I say that, according to the law of nations, each one of these States has a right to secede, and the right would be a perfect one without any reservation, either in the ratifications or in the Constitution itself. But I go further: I say that, though this right was complete and perfect in itself, yet when New York came to ratify she made that explicit about which a quibble might have been raised between lawyers; and that, New York having reserved to herself the right to reassume the powers therein delegated whenever it became necessary to her happiness, that became a perfect constitutional right on the part of New York, and it became also a perfect constitutional right on the part of every other State which, either previously or subsequently to that time, became a party to the compact.

I heard this morning a letter read which was written by one of the Northwestern Senators [Mr. Doolittle of Wisconsin], wherein he talked about having bought us and owning us. The people of Florida are purchased, the people of Louisiana are purchased, the people of Texas are purchased, and we are not to be permitted to live under such a government as we see fit! Do they propose to irritate us still more? It can produce no such effect upon me. I feel that perfect inexplicable stillness which a man always does when he feels that he is perfectly secure. Now, sir, if I doubted as to whether the people of the State in which I live would submit to Black Republican rule or not, I might feel some degree of irritation; but, knowing, as I do, that, as soon as those people can get into convention, they will revoke the ratification of the Constitution and again assume their position of separate nationality, and govern themselves by such laws as they see fit; knowing and feeling that, I am not at all disturbed by the presence of these Senators upon the other side, or by any idle vaporings that they may indulge in. All this will come about in good time. State after State will go out of the Union. When you have a working majority, you can declare war against us if you see fit; if you do not, probably a new treaty will be entered into between the high con-

tracting parties—one of peace and amity, when we have revoked that of common defence and general welfare. We choose, at least so far as I am concerned, to give no reason for this high sovereign act. We are the judges; and when we choose to revoke the ratification of this Constitution we will do it; and if you choose to declare war we shall not object. The right it perfect on both sides; and each will exercise its own discretion as to the expediency of the act.

While I do not intend to go into any recapitulation of the wrongs that we have suffered, and the dangers that we are about to incur by submitting longer to our present condition, I will deny a single proposition of the Senator from New Hampshire, which is that we are attempting to reverse the rule that a majority should govern. Now, sir, I admit that a constitutional majority has a right to govern; and I would never have thought of resisting the inauguration of any President who was elected by a constitutional majority. I know that there is much truth, there is much philosophy in Dogberry's saying, "An two men ride of a horse, one must ride behind"; and if we proposed to remain in this Union we should undoubtedly submit to the inauguration of any man who was elected by a constitutional majority. We propose nothing of that sort. We simply say that a man who is distasteful to us has been elected, and we choose to consider that as a sufficient ground for leaving the Union, and we intend to leave the Union. Then, if you desire it, bring us back. When you undertake that and have accomplished it, you may be like the man who purchased the elephant —you may find it rather difficult to decide what you will do with the animal. [Laughter.]

There is one matter in the message in reference to which, at the proper time, I shall introduce a resolution in order to prevent any bad effects which may flow from it—I allude to the portion of the message in which the President speaks of having sent orders to the officers commanding the forts at Charleston to stand on the defensive. I wish to know the extent of those orders; and I wish to know that in order that we may now provide for the evil which he may precipitate upon us. The people of South Carolina are a law-abiding people. They are not in the habit of having mobs in that country. They propose to meet in convention—that convention being called by the government of the State; and I entertain no doubt that that convention will pass a solemn ordinance revoking the ratification of the treaty which binds them to the other States. In the meantime they, as a matter of course, will not attempt to inter-

fere, by force or otherwise, with any Federal troops who may be within the limits of the State; but I say to Senators—and I wish it had been said to the President of the United States—that if, after that State has withdrawn from the Union and a sufficient time has been given to this Government to withdraw its troops from those forts, this Government shall authoritatively deny to that people the right of self-government, and attempt to keep hostile armies within the borders of that State, those forts will be taken and blood will flow. The President, in his message, says that there is no power on the part of this Government to keep the Union together by force; and yet, in the very same breath, he says that he will collect the revenues in the port of Charleston even after the State has seceded. He says that there can be no conflict between the Federal judicial power and the authorities or people of the State because he has no judiciary there. Is there anything to prevent him from appointing a judge? Is there anything to prevent him from appointing a marshal?

It is therefore important that there should be a construction put upon this message; it is important that it should be known what the President means; and if he intends to carry out that policy, or this Congress intends to do it—when that is made manifest I, for one, would urge forbearance no longer. Frederick the Great, on one occasion, when he had trumped up an old title to some of the adjacent territory, quietly put himself in possession and then offered to treat. Were I a South Carolinian, as I am a Texan, and I knew that my State was going out of the Union and that this Government would attempt to use force, I would, at the first moment that that fact became manifest, seize upon the forts and the arms and the munitions of war, and raise the cry "to your tents, oh, Israel! and to the God of battles be this issue."

Willard Saulsbury [Del.].—I do not rise, Mr. President, for the purpose of protracting this unnecessary and most unfortunate debate, but simply to say, in the presence of the representatives of the different States, that my State, having been the first to adopt the Constitution, will be the last to do any act or countenance any act calculated to lead to the separation of the States of this glorious Union. She has shared too much of its blessings; her people performed too much service in achieving the glorious liberties which we now enjoy, and in establishing the Constitution under which we live, to cause any son of hers to raise his hand against those institutions or against that Union. Sir, when that Union shall be destroyed by the

madness and folly of others (if, unfortunately, it shall be so destroyed), it will be time enough then for Delaware and her representatives to say what will be her course. [Applause in the galleries.]

The effect of the President's message was most disastrous upon the prestige of the United States abroad. Said the London *Times,* on January 9, 1861:

Never for many years can the United States be to the world what they have been. Mr. Buchanan's message has been a greater blow to the American people than all the rants of the Georgian governor or the "ordinances" of the Charleston convention. The President has dissipated the idea that the States which elected him constitute one people. We had thought that the federation was of the nature of a nationality; we find that it is nothing more than a partnership.

During the entire session the President's message formed a subject of incidental discussion in the debates on more specific questions.

On January 3, 1861, Senator Stephen A. Douglas [Ill.] spoke as follows:

### Federal Property Interest in the Seceded States

Senator Douglas

I do not know that I can find a more striking illustration of this doctrine of secession than was suggested to my mind when reading the President's last annual message. My attention was first arrested by the remarkable passage, that the Federal Government had no power to *coerce* a State back into the Union if she did secede; and my admiration was unbounded when I found, a few lines afterwards, a recommendation to appropriate money to purchase the island of Cuba. It occurred to me instantly what a brilliant achievement it would be to pay Spain $300,000,000 for Cuba, and immediately admit the island into the Union as a State and let her secede and reannex herself to Spain the next day, when the Spanish Queen would be ready to sell the island again for half price, or double price, according to the gullibility of the purchaser! [Laughter.]

During my service in Congress it was one of my pleasant duties to take an active part in the annexation of Texas; and,

at a subsequent session, to write and introduce the bill which made Texas one of the States of the Union. Out of that annexation grew the war with Mexico, in which we expended $100,000,000, and were left to mourn the loss of about ten thousand as gallant men as ever died upon a battlefield for the honor and glory of their country! We have since spent millions of money to protect Texas against her own Indians, to establish forts and fortifications to protect her frontier settlements, and to defend her against the assaults of all enemies until she became strong enough to protect herself. We are now called upon to acknowledge that Texas has a moral, just, and constitutional right to rescind the act of admission into the Union; repudiate her ratification of the resolutions of annexation; seize the forts and public buildings which were constructed with our money; appropriate the same to her own use, and leave us to pay $100,000,000 and mourn the death of the brave men who sacrificed their lives in defending the integrity of her soil. In the name of Hardin, and Bissell, and Harris, and of the seven thousand gallant spirits from Illinois who fought bravely upon every battlefield of Mexico I protest against the right of Texas to separate herself from this Union without our consent.

# CHAPTER XI

## The Conciliation Bill

Lazarus W. Powell [Ky.] Moves in the Senate That a Committee of Thirteen Be Appointed to Report a Plan for Reconciling the North and the South—Speech of Senator Powell—Propositions of Preston King [N. Y.], James S. Green [Mo.], Milton S. Latham [Cal.]—Debate on the Powell Resolution: Lafayette S. Foster [Conn.], Stephen A. Douglas [Ill.], Jefferson Davis [Miss.], Charles Sumner [Mass.], James Dixon [Conn.], Albert G. Brown [Miss.], George E. Pugh [O.], Judah P. Benjamin [La.], John P. Hale [N. H.], Alfred Iverson [Ga.], James M. Mason [Va.], William Bigler [Pa.], Senator Powell, Benjamin F. Wade [O.], Louis T. Wigfall [Tex.], William H. Seward [N. Y.], Kingsley S. Bingham [Mich.]—John J. Crittenden [Ky.] Introduces Compromise Resolutions: Debate, Senators Crittenden, Hale, Willard Saulsbury [Del.], Andrew Johnson [Tenn.], John Slidell [La.], Joseph Lane [Ore.], Senator Pugh, Alfred O. P. Nicholson [Tenn.], James R. Doolittle [Wis.], Senator Brown, Senator Benjamin, Edward D. Baker [Ore.], Senator Douglas, Robert Toombs [Ga.]—Message of President Buchanan on the Subject—Debate Continued: Senator Davis, Lyman Trumbull [Ill.], Robert M. T. Hunter [Va.], James Harlan [Ia.], Senator Seward—Daniel Clark [N. H.] Offers Substitute for the Crittenden Resolutions—It Is Carried—The Peace Convention; Its Plan Is Negatived by Congress—Alexander R. Boteler [Va.] Moves in the House to Appoint a Committee of Thirty-three (One Representative from Each State) to Prepare a Plan of Conciliation with States Contemplating Secession—Committee Appointed, with Thomas Corwin [O.] Chairman—Various Plans of Conciliation Referred to the Committee of Thirty-three—William A. Howard [Mich.] Moves Resolution of Inquiry into the Situation of Fort Sumter; Carried—A Majority and Two Minority Reports Presented by the Committee—Crittenden Plan of Conciliation Rejected, and Corwin Plan Adopted—Corwin Constitutional Amendment Forbidding Congress to Interfere with Slavery in the States Is Passed by House and Senate—Farewell Address of Jefferson Davis [Miss.] to the Senate—Territorial Organization of Colorado, Nevada, and Dakota Without Slavery.

ON December 6, 1860, Lazarus W. Powell [Ky.] moved in the Senate to refer that part of the President's message which related to the present crisis to a Committee of Thirteen, to report a plan of averting disunion.

Senator Powell said that while legislation guaranteeing no interference with slavery would not restore harmony to the country it would be palliative, indicating good feeling on the part of the States in the Union to those out of it, and so preparing for friendly relations.

### The Conciliation Bill

Senate, December 10, 1860-February 4, 1861

In the succeeding days various amendments of Senator Powell's resolutions and additions thereto were made, with suggestions of kindred measures which would cement the Union.

Preston King [N. Y.] proposed to add the words "and persons" to "rights of property," which were to be protected throughout the country.

James S. Green [Mo.] desired that the Committee of Judiciary inquire into the property of establishing an armed police force between the slave and free States to prevent invasion of one State by another, and to execute the Fugitive Slave Law.

Milton S. Latham [Cal.], taking advantage of the crisis in behalf of his State, urged the building of a Pacific railroad as a means of insuring the loyalty of the people beyond the Rocky Mountains. (This was made a part of the Republican program, passing the Republican House though defeated in the anti-Republican Senate.)

Lafayette S. Foster [Conn.] took occasion to remind the Senate that the Democratic party was in power in the country.

Stephen A. Douglas [Ill.] deplored looking at the question from a partisan standpoint.

> I had hoped that we could lay aside our party feuds until we had saved the country, and then, if we must, let us quarrel about who shall govern it afterwards. I am ready to act with any party, with any individual of any party, who will come to this question with an eye single to the preservation of the Constitution and the Union. [Manifestations of approbation in the gallery.] I do not desire to hear the word party, or to listen to any party appeal, while we are considering and discussing

the questions upon which the fate of the country now hangs. [Applause in the galleries.]

Jefferson Davis [Miss.] deplored the spirit in which emendations of Senator Powell's resolution had been offered.

One Senator presents, as a cure for the public evil impending over us, to invest the Federal Government with such physical power as properly belongs to monarchy alone. Another announces that his constituents cling to the Federal Government if its legislative favors and its treasury secure the works of improvement and facilities which they desire; while another rises to point out that the evils of the land are of a party character. Sir, we have fallen upon evil times, indeed, if the great convulsion which now shakes the body-politic to its center is to be dealt with by such quack nostrums as these. Men must look more deeply, must rise to a higher altitude; like patriots, they must confront the danger face to face, if they hope to relieve the evils which now disturb the peace of the land and threaten the destruction of our political existence.

First of all, we must inquire what is the cause of the evils which beset us? The diagnosis of the disease must be stated before we are prepared to prescribe. Is it the fault of our legislation here? If so, then it devolves upon us to correct it, and we have the power. Is it the defect of the federal organization, of the fundamental law of our Union? I hold that it is not. Our fathers, learning wisdom from the experiments of Rome and of Greece—the one a consolidated republic, and the other strictly a confederacy—and taught by the lessons of our own experiment under the Confederation, came together to form a constitution for "a more perfect union," and, in my judgment, made the best government which has ever been instituted by man. It required only that it should be carried out in the spirit in which it was made; that the circumstances under which it was made should continue, and no evil can arise under this Government for which it has not an appropriate remedy. Then it is outside of the Government—elsewhere than to its Constitution, or to its administration—that we are to look. Men must not creep in the dust of partisan strife and seek to make points against opponents as the means of evading or meeting the issues before us. The fault is not in the form of the Government, nor does the evil spring from the manner in which it has been administered. Where, then, is it? It is that our

fathers formed a government for a union of friendly States; and, though under it the people have been prosperous beyond comparison with any other whose career is recorded in the history of man, still that union of friendly States has changed its character and sectional hostility has been substituted for the fraternity in which the Government was founded.

The hearts of a portion of the people have been perverted by that hostility, so that the powers delegated by the compact of union are regarded, not as means to secure the welfare of all, but as instruments for the destruction of a part, the minority section. How, then, have we to provide a remedy? By strengthening this Government? By instituting physical force to overawe the States, to coerce the people living under them as members of sovereign communities to pass under the yoke of the Federal Government? No, sir; I would have this Union severed into thirty-three fragments sooner than have that great evil befall constitutional liberty and representative government. Our Government is an agency of delegated and strictly limited powers. Its founders did not look to its preservation by force; but the chain they wove to bind these States together was one of love and mutual good offices. They had broken the fetters of despotic power; they had separated themselves from the mother country upon the question of community independence; and their sons will be degraded indeed if, clinging to the mere name and forms of government, they forge and rivet upon their posterity the fetters which their ancestors broke.

But it has been said that we should not discuss the cause of existing evils. Then how are we to ascertain the appropriate remedy? It is our duty to discuss the cause and confront the danger as men resolved to perform the public service as best may serve the common good, and equally resolved not to engage in a scramble of party strife and crimination, either for party or personal advantage. It is only by laying bare the disease that we are to find a remedy. It is an ulcer. Cautery, not plasters, must be applied to it.

Then where is the remedy? the question may be asked. In the hearts of the people, is the ready reply; and, therefore, it is that I turn to the other side of the Chamber, to the majority section, to the section in which have been committed the acts that now threaten the dissolution of the Union. I call on you, the representatives of that section, here and now to say so, if your people are not hostile; if they have the fraternity with which their fathers came to form this Union; if they are prepared to do justice; to abandon their opposition to the Constitu-

tion and the laws of the United States; to recognize and to maintain and to defend all the rights and benefits the Union was designed to promote and to secure. Give us that declaration, give us that evidence of the will of your constituency to restore us to our original position, when mutual kindness was the animating motive, and then we may hopefully look for remedies which may suffice; not by organizing armies, not so much by enacting laws, as by repressing the spirit of hostility and lawlessness, and seeking to live up to the obligations of good neighbors and friendly States united for the common welfare.

To dwell upon anti-fugitive slave laws is to deal with the symptom only valuable as it indicates the disease which demands attention. What though all the "personal liberty bills" were repealed: would that secure our rights? Would that give us the Union our fathers made? Would that renew good offices, or restrain raids and incendiarism, or prevent schools being founded to prepare missionaries to go into lands where they are to sow the seeds of insurrection, and, wearing the livery of heaven, to serve the devil by poisoning wells and burning towns? These are offences such as no people can bear; and the remedy for these is in the patriotism and the affection of the people if it exists; and, if it does not exist, it is far better, instead of attempting to preserve a forced and therefore fruitless Union, that we should peacefully part and each pursue his separate course. It is not to this side of the Chamber that we should look for propositions; it is not here that we can ask for remedies. Complaints, with much amplitude of specification, have gone forth from the members on this side of the Chamber heretofore. It is not to be expected that they will be renewed, for the people have taken the subject into their own hands. States, in their sovereign capacity, have now resolved to judge of the infractions of the federal compact and of the mode and measure of redress. All we can usefully or properly do is to send to the people thus preparing to act for themselves evidence of error, if error there be; to transmit to them the evidence of kind feeling, if it actuates the Northern section, where they now believe there is only hostility. If we are mistaken as to your feelings and purposes, give a substantial proof, that here may begin that circle which hence may spread out and cover the whole land with proofs of fraternity, of a reaction in public sentiment, and the assurance of a future career in conformity with the principles and purposes of the Constitution. All else is idle. I would not give the parchment on which the bill would be written which is to secure our constitutional

rights within the limits of a State where the people are all opposed to the execution of that law. It is a truism in free governments that laws rest upon public opinion and fall powerless before its determined opposition.

The time has passed, sir, when appeals might profitably be made to sentiment. The time has come when men must, of necessity, reason, assemble facts, and deal with current events. I may be permitted in this to correct an error into which one of my friends fell this morning, when he impressed on us the great value of our Union as measured by amount of time and money and blood which were spent to form this Union. It cost very little time, very little money, and no blood. It was one of the most peaceful transactions that mark the pages of human history.

But our existing Government is not the less sacred to me because it was not sealed with blood. I honor it the more because it was the free-will offering of men who chose to live together. It rooted in fraternity; and fraternity supported its trunk and all its branches. Every bud and leaflet depends entirely on the nurture it receives from fraternity, as the root of the tree. When that is destroyed, the trunk decays and the branches wither and the leaves fall; and the shade it was designed to give has passed away forever. I cling not merely to the name and the form but to the spirit and purpose of the Union which our fathers made. It was for domestic tranquillity; not to organize within one State lawless bands to commit raids upon another. It was to provide for the common defence; not to disband armies and navies lest they should serve the protection of one section of the country better than another. It was to bring the forces of all the States together to achieve a common object, upholding each the other in amity, and united to repel exterior force. Every barrier to the freest intercourse was swept away. Under the Confederation it had been secured as a right to each citizen to have free transit over all the other States; and under the Union it was designed to make this more perfect. Is it enjoyed? Is it not denied? Do we not have mere speculative question of what is property raised in defiance of the clear intent of the Constitution, offending as well against its letter as its whole spirit? This must be reformed, or the Government our fathers instituted is destroyed. I say, then, shall we cling to the mere forms, or idolize the name of Union, when its blessings are lost, after its spirit has fled? Who would keep a flower which had lost its beauty and its fragrance and in their stead had formed a seed-vessel containing the deadliest

poison? Or, to drop the figure, who would consent to remain in alliance with States which used the power thus acquired to invade his tranquillity, to impair his defence, to destroy his peace and security? Any community would be stronger standing in an isolated position, and using its revenues to maintain its own physical force, than if allied with those who would thus war upon its prosperity and domestic peace; and reason, pride, self-interest, and the apprehension of secret, constant danger would impel to separation.

I do not comprehend the policy of a Southern Senator who would seek to change the whole form of our Government and substitute Federal force for State obligations and authority. Do we want a new Government that is to overturn the old? Do we wish to erect a central Colossus, wielding at discretion the military arm and exercising military force over the people and the States? This is not the Union to which we were invited; and, so carefully was this guarded that, when our fathers provided for using force to put down insurrection, they required that the fact of the insurrection should be communicated to the authorities of the State before the President could interpose. When it was proposed to give to Congress power to execute the laws against a delinquent State, it was refused on the ground that that would be making war on the States; and, though I know the good purpose of my honorable friend from Missouri [Senator Green] is only to give protection to constitutional rights, I fear his proposition is to rear a monster which will break the feeble chain provided and destroy rights it was intended to guard. That military government which he is about to institute, by passing into hostile hands, becomes a weapon for his destruction, not for his protection.

This Union is dear to me as a union of fraternal States. It would lose its value if I had to regard it as a union held together by physical force. I would be happy to know that every State now felt that fraternity which made this Union possible; and, if that evidence could go out, if evidence satisfactory to the people of the South could be given that that feeling existed in the hearts of the Northern people, you might burn your statute-books and we would cling to the Union still. But it is because of their conviction that hostility and not fraternity now exists in the hearts of the people, that they are looking to their reserved rights, and to their independent powers for their own protection. If there be any good, then, which we can do it is by sending evidence to them of that which I fear does not exist —the purpose of your constituents to fulfill in the spirit of jus-

tice and fraternity all their constitutional obligations. If you can submit to them that evidence, I feel confident that, with the evidence that aggression is henceforth to cease, will terminate all the measures for defence. Upon you of the majority section it depends to restore peace and perpetuate the Union of equal States; upon us of the minority section rests the duty to maintain our equality and community rights; and the means in one case or the other must be such as each can control.

Senator Foster.—I was singularly unfortunate, Mr. President, in being so misunderstood by the Senator from Mississippi. I surely have made no party appeal, and have made no charge against any party as reasonable at all for the evils now existing in our country. I did, it is true, say that our Federal Government was in the hands of the Democratic party. Is it not true? I did not make the assertion in any offensive sense. I did not couple it with any intimation that that party was at all responsible for the evils under which we are now laboring. Having alluded to that fact, I said that a Senator connected with that party, and representing as gallant and as patriotic a State as belongs to the Confederacy, came forward with a resolution looking toward the restoration of peace and harmony in the country, and that in that state of things, although its phraseology was not entirely acceptable to me, and although it would be made far more acceptable by the amendments proposed to it by the Senator from New York, still, if the amendments proposed proved unacceptable to the Senator from Kentucky, I would vote for his resolution as it was, without amendment, for the reason that, under those circumstances, I considered it my duty to aid in the restoration of peace and harmony to the country.

Sir, if that is a party appeal, or if that is making a party charge, I have misunderstood and now greatly misunderstand the English language in its plainest and most obvious forms and words. My object was to show that I was ready to discard all these considerations, and discard them fully and absolutely, and I am sorry that I was so misunderstood.

Senator Green.—Mr. President, I am a little surprised, and not only a little but greatly surprised, that the Senator from Mississippi should deem it his duty to make use of language which I think so very unparliamentary in characterizing suggestions thrown out for the purpose of superinducing reflection, as quack nostrums. There are medical quacks: men who expect to accomplish results without means. So in political science there are quacks who, seeing the diseased condition of the pa-

tient, will do nothing to relieve him. But he is not a quack who, as an advising physician, does not administer medicine, but, having considered the condition of the patient, suggests a proper subject for consideration. The Senator from Mississippi has a right to condemn my suggestion, to oppose it, to vote against it; but to call it a quack remedy is such an expression as I have seldom heard in this Senate chamber. So, in regard to my friends from California; so in regard to others. We are making suggestions; we are hoping that reflection may set in, and that a proper consideration may devise something—to do what? To build up a central military despotism? No; but to maintain constitutional rights according to the plan of the Constitution as given to us by our fathers. Is there a Senator from any State in this Union who will rise in his place and say he wants more than that? If he does want more, I, for one, do not agree with him.

If my friend will read the fourth section of the fourth article of the Constitution, he will find it says this: It is the duty of the Federal Government to protect the States against invasion without any application upon the part of the Executive, without any application upon the part of the legislature. When *domestic violence* springs up, and you want to quell that with Federal power, Federal power cannot be exerted until the legislature or Executive demands it. But when *invasion* is about to occur, the Federal power is adequate to it without any request.

Is that military despotism? If it is, Madison and Washington and Pinckney and Hamilton established that Government. To call any proposition building up a military despotism amounts just to this: we are going out of the Union, right or wrong; and we will misrepresent every proposition made to save the Union.

Senator Latham.—Mr. President, my friend from Mississippi, in his allusion to me, either misunderstood me or unintentionally did me great injustice. I did not say, because I did not think it—and, if I did say it, I did not intend so to be understood—that the State which I had the honor here in part to represent would think it any cause whatever for separation because of her failure to obtain the great measure to which I alluded. I merely said this: that it would weaken her attachment, but would not certainly destroy her allegiance to the Government at any time or in any sense.

Senator Davis.—I am very happy indeed to hear the explanation of my friend from California. He will find, however, upon examining the report, I think, that I understood his lan-

guage. I am happy to find I did misunderstand his meaning, and very glad to be corrected.

The Senator from Missouri has taken special offence at my use of the word "quackery," as contrary to the usage of the Senate. I will not quarrel with him about it; and, if he is satisfied, will agree that he is a learned pundit; that he is the highest authority on parliamentary etiquette; that he is the highest authority on political merit; but I cannot consent to his construction of the Constitution. When he selects a clause from the Constitution, which he reads with peculiar emphasis, and invites me to study—that clause in the Constitution which authorizes, or rather requires the Federal Government to repel invasion—I have but to refer him to the history of the Government for the meaning of that clause. Was it to establish a military cordon surrounding the States? Was it to raise battlements, whose armaments should frown terrifically down upon the people of a State? No, not at all, sir. It was to repel foreign aggression. That power was delegated when these States united for common defence. It was to bind their separate forces into one whole; so that the power of all might be used against any common enemy that invaded either of them; not the invasion of one State by another. That was a thought which would have deterred from union; that is the sad reflection which experience alone could have suggested to our minds. The Senator from Missouri, therefore, uses the phrase of the Constitution in a meaning which it cannot have; in an intent which our fathers had not; and does to them the great injustice of believing that, while they were sweeping away even the barriers to the freest trade between the States, they were providing to build up military cordons to keep the people apart.

Charles Sumner [Mass.].—Mr. President, I offer to the Senate a piece of testimony of direct and most authoritative bearing upon the present state of the Union. If I may adopt the language of the Senator from Mississippi [Mr. Davis] it will help us to make the diagnosis of the present disease in the body-politic.

I hold in my hand an unpublished autograph letter, written by General Jackson, while President of the United States, and addressed to a clergyman [the Rev. Andrew J. Crawford] in a slaveholding State:

"Washington, May 1, 1833.

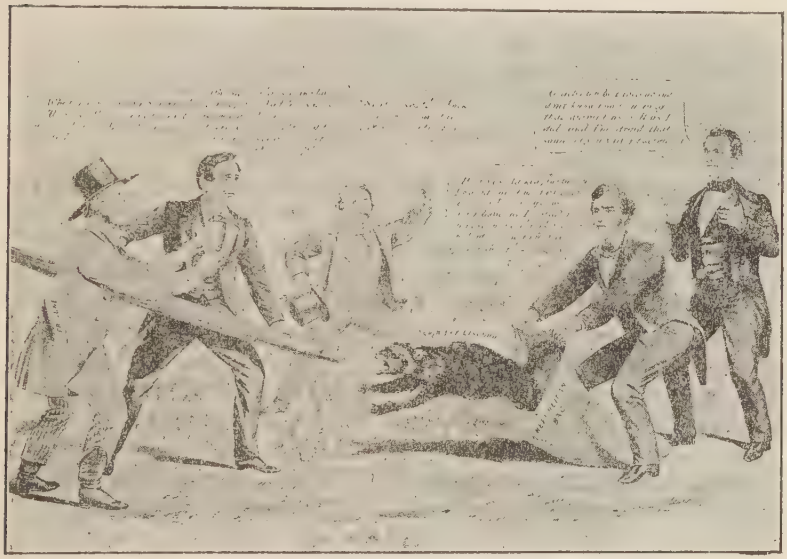
["*Private.*]

"My Dear Sir: . . . I have had a laborious task here, but nullification is dead; and its actors and courtiers will only be remembered by the

people to be execrated for their wicked designs to sever and destroy the only good government on the globe, and that prosperity and happiness we enjoy over every other portion of the world. Haman's gallows ought to be the fate of all such ambitious men, who would involve their country in civil war, and all the evils in its train, that they might reign and ride on its whirlwinds and direct the storm. The free people of these United States have spoken, and consigned these wicked demagogues to their proper doom. Take care of your nullifiers; you have them among you; let them meet with the indignant frowns of every man who loves his country. The tariff, it is *now*''—

and he italicizes or underscores the word "now"—

"known, was a mere pretext. . . . The next pretext will be the negro or slavery question.



[SUMNER] LETTING THE CAT OUT OF THE BAG

*From the collection of the New York Public Library*

These are the words of a patriot slaveholder of Tennessee, addressed to a patriot clergyman of a slaveholding State, and they are directly applicable to the present hour. Of practical sense, of inflexible purpose, and of various experience, Andrew Jackson saw intuitively the springs and motives of human conduct, while he loved his country with a firm and all-embracing attachment. Thus inspired, he was able to judge the present and to discern the future. The tariff, in his opinion, was a pretext only; disunion and a Southern confederacy the real object. "The next pretext," says he—and you, sir, will mark

the words—"will be the negro or slavery question." These, sir, are his words, not mine. This is his emphatic judgment. These words and this judgment now belong to history; nor can they be assailed without assailing one of the greatest examples that a slaveholding community has given to our common country.

James Dixon [Conn.].—There is a class of men, small in numbers and in influence, who assume that the present controversy is a conflict, as they say, of two civilizations; that it cannot be reconciled; that freedom or slavery must now perish. The great body of those whom I represent do not thus believe. We believe that there is no conflict of systems of labor in the different States which is incompatible with the peaceful existence of our Union. We believe that the slaveholding and non-slaveholding States may still revolve in harmonious spheres, and that, if the question of slavery shall destroy our Union, it will not be because it could not be satisfactorily and rightfully adjusted, but because the statesmen of the day are incompetent to the task.

Albert G. Brown [Miss.].—Mr. President, I cannot vote for the resolution introduced by the Senator from Kentucky; and I desire, in a single word, without making a speech, to state the reason. Things have reached a crisis. The crisis can be met only in one way effectually, in my judgment; and that is for the Northern people to review and reverse their whole policy upon the subject of slavery. I see no evidence anywhere of any such purpose. On the contrary, the evidences accumulate all around, day by day, that there is no such purpose. In their newspapers, in the action of so many of their legislatures as have assembled, in the speeches of their Senators, with but one or two rare exceptions, we have accumulated evidence that there is no purpose on the part of the Northern people to reverse their action or their judgment upon this question. The Southern States do not expect that they are going to do it; and, having despaired of that reversal of judgment and that change of conduct, they are proceeding in the only mode left them to vindicate their rights and their honor. I cannot vote for the resolution of my friend from Kentucky because it would be an intimation—darkly given, it is true, but yet an intimation—to my State which is moving, that there is a hope of reconciliation. I do not believe there is any such hope. I see no evidence upon which to base a hope. I see, through this dark cloud that surrounds us, no ray of light. To me it is all darkness, midnight gloom.

If the same spirit could prevail which actuates the Senator

who has just now taken his seat [Mr. Dixon] a different state of things might be produced in the next twenty days; but we know that is not the spirit of Republican Senators; it is not the spirit of Republican Representatives; it is not the spirit of the dominant party. They have forced the matter to the present crisis, and they mean to stand by their arms. We have registered our oaths in high Heaven that we will not submit. Submission, to us, is the deepest dishonor that ever fell upon a free people. I will not, while things are progressing as they now are in my State, intimate to the people there that I have any hope of a different course. On the contrary, to-day, speaking in this presence, under all the solemnities of this occasion, with all the responsibilities which surround me, I say to them, there is no hope that this matter is to be remedied.

We read your newspapers. We have noted the fact that the great leading journal of New York, next to the *Tribune*—I speak of the Albany *Evening Journal*—proposed something which looked to a reconciliation; and the electoral college of that great State assembled a day or two after, and rebuked them for it. If any thirty-five men in the State of New York understand the public sentiment of that great State, the members of the electoral college are the men. They understand it better, perhaps, than the two Senators and thirty-three Representatives. They rebuked that journal for holding out the olive branch for an instant.

Are these evidences that there is any disposition on the part of the Republicans to abandon any part of their program? No, sir; what was said only yesterday by a Republican member of the House is true: "We never mean to ground our arms until we have emancipated the last slave in America." That is their purpose, disguise it as they may; and we never mean to sink down to that position. Better, ten thousand times better, that we separate in peace; but if that cannot be done, then we must separate in war. To be under your domination we cannot and will not. Calmly, deliberately, dispassionately, the Southern people have made up their minds to that.

Gentlemen talk about making appeals. I make no appeals, because I will not appeal where I know my appeal is to be rejected. I will not make appeals that my own friends will read as a hope that this difficulty may be reconciled. I prefer to present to them the plain stubborn facts as they are; to tell them that Republicanism has shown no disposition to recede, and we stand face to face, and all that is left to us is either a peaceable or a violent separation.

If it be true that the Northern people have been taught in the schools and in the churches following the advice delivered to them by the Senator from New York [Mr. Seward] more than twelve years ago, when he told them: "slavery must be abolished and you and I must do it," and that the mode to do it was to begin in the schools and in the churches; if this kind of teaching has so seized on the minds of the Northern people that the rising generation, and even the young and active generation, have learned to hate the Southern people with all the bitterness with which you have taught them to hate us, is it not nonsense to bring forward resolutions like these with the hope of remedying the evil? It has taken you twenty-five years to teach your people thus intently to hate us. If I could believe that you would go to work in earnest and unteach them in twenty-five years to come, I would wait for it; but I see no evidence of this. Your teaching is going on; it is going on now in your newspapers, in your churches, and in your schools; and even your gray-headed Senators go home and inculcate it. We have been driven to a position where it is absolutely necessary for us to take care of ourselves. I will hold up no false lights to the State which I represent. I will tell them the plain and stubborn truth, and let them act, as I think they ought to act, for themselves. I hope they will act like men and freemen; and, whatever their action may be, I shall stand by them for good or for evil. If Senators on the other side have propositions to submit which look to reconciliation, I will consider them; but they must be propositions which, in my judgment, strike at the root of this evil, not mere propositions for delay, such as that introduced by my friend from Kentucky. I can understand why a lawyer in court who has been driven to the wall may file an affidavit for delay, or put in a plea for delay; but I cannot understand why a Southern Senator in the present condition of affairs puts in a plea, or an affidavit, or makes any application for delay. We are better prepared to defend ourselves now than we shall be next year. The people are ripe for it. Let them go on. Hold out no delusive hopes. Let them meet the issue as it is, and I undertake to give my judgment that they will meet it successfully.

George E. Pugh [O.].—Mr. President, I did not intend to utter one word in regard to this resolution, except to vote for it; but I cannot permit the speech of the Senator from Mississippi [Mr. Brown] to pass without some particular observation. Granting the premises of his argument, which I do not entirely grant, he has failed to justify the conclusion announced. After

more than seventy years of liberty and happiness and prosperity as a confederation of States must we now acknowledge that our constituents, some thirty million in all, with every advantage that men could desire for self-government, are unable to decide their differences in a satisfactory manner? Why, sir, what hope is left for mankind anywhere? Will you pretend that the Southern people are capable of free government hereafter if they cannot now commune with their Northern brethren upon fair and honorable terms of adjustment? Or shall we, on our side, indulge a pretension equally vain? We stultify ourselves, all of us, in saying that we cannot hear, cannot discuss, and cannot compromise the controversy with which we are threatened. That is to say, in so many words, that our experiment of the Union is a failure; and, more than that, your Southern Confederacy will be a failure, and all other confederacies to the end of time. Mr. President, I have not attained any such conclusion; I am not of opinion, as yet, that a majority, or any considerable number of the people, South or North, desire the bonds of this Confederacy to be torn asunder. There has been crimination upon both sides; there have been outrages on both sides; there have been things which ought to be redressed, some by the arm of the law, some by a more faithful administration of our Federal and State governments; but there has been nothing which cannot be redressed promptly, fairly, and in the most efficacious manner. I believe, before God and my country, that ninety-nine hundredths of the people in every State, North and South, are anxious this day to redress all outrages and all causes of reasonable complaint.

Why, then, do we hear such defiances exchanged? I heard them on Wednesday last when I came hither and resumed my seat. I heard the Senator from Georgia [Mr. Iverson] declare that the people of the North hated the people of the South, and the people of the South reciprocated that sentiment. I believe the Senator has pronounced a calumny on his constituents as well as on mine. I do not mean to speak disrespectfully of him; I speak of his accusation, and not of himself. I understood the Senator from New Hampshire [John P. Hale] to proclaim, in like manner, not the gospel of peace between brethren, but a circumspect waiting to ascertain whether Mr. Buchanan would or would not send a Federal army to coerce the State of South Carolina. I trust, sir, if Mr. Buchanan should commit so high-handed and fatal an act of violence as that, his term is not too brief as President of the United States for him to be arraigned at our bar by an impeachment. What would South Carolina

be worth to herself or to us if she were dragged captive in chains? I wish no State of this Union to be subjugated by her sisters. If she cannot be retained by the bonds of affection, or, if estranged, cannot be brought back to us by the arts of kindness, why, then, in God's name—horrible as I esteem such an alternative—let her depart in sorrowful silence.

The difficulty is, that we men of the North do not rightly understand the Southern people, and that they do not rightly understand us. I fear that no remedy is within the reach of Congress, and, therefore, I deprecate any discussion of particular questions. I hope the committee now to be appointed, in virtue of this resolution, will look beyond and above all present controversies; and, if it can do nothing else, as I think it cannot, will advise us to declare to our constituents, in some solemn form, that no methods of legislation—no method of constitutional amendment to be inaugurated here—can be of the slightest efficacy or use. We must tell the people, in every State, to follow the example of their fathers—to choose delegates for conventions of all the States separately, and afterwards for a convention of the States together. The entire field of controversy should be reviewed and patiently considered, in order, if possible, to lay more deeply, more broadly, and, I trust, more wisely the foundations of our common liberty and security and happiness.

I hope the Senator from Mississippi [Mr. Brown] will reconsider his determination. I do not believe that his noble constituency would think worse of him because in response to an appeal of amity and friendship, he planted himself in the very door of reconciliation and kept it open as long as any one would speak a single kind word.

Senator Brown.—The Senator will allow me a moment. I never intimated that we would not listen to appeals; I never said that this case could not be adjusted; but I said there was no disposition on the Republican side to do it. My friend from Ohio and I have not the power to do it. He is not speaking for the Republicans. They are the power in the Government, and, so far as we have had any intimations from them, they have no propositions to make, and none to accept. My friend from Ohio and I might talk to the end of the next century and agree or disagree as much as we pleased——

Judah P. Benjamin [La.].—You and he could agree in five minutes.

Senator Brown.—He and I would have no difficulty at all. If the Republicans will trust their cause to him [laughter] and

the Democrats to me, we will settle the question before the sun goes down, without the least trouble in the world. Then I cannot have any difficulty with him. It is the power behind him I am talking about.

SENATOR PUGH.—My honorable friend from Mississippi has no "Republicans" to conquer at home. That duty remains to me and to more than a million Northern Democrats like me. I now tell the Republicans frankly, that, unless they approach this controversy in a spirit of honorable conciliation, they have won their last victory in the non-slaveholding States, and, assuredly, in the States northwest of the Ohio River. They did not win the presidential contest on any such propositions as some of them have announced on this floor and they know it.

Let us have done with mere altercations. Is it not an utter disgrace that the first men of the Republic should come hither, at the seat of Federal Government, representing the sovereignty of their proud States at home, when the fabric of our common liberty is tottering to destruction, and, instead of stretching forth their arms to stay such ruin, should fold them inanely, helplessly, and hopelessly, as did the Roman Senators at a time of barbaric invasion.

SENATOR HALE.—Mr. President, I rise to correct a misapprehension of the Senator from Ohio, in a statement which he has made of some remarks that I made here a few days ago. I do not know that I ever spoke in my life when I was so persistently and so obstinately misrepresented. I do not refer now to the Senator from Ohio, because I do not think a Senator here would do it; but I speak of a few craven, cowardly, infamous wretches, that, in the providence of God, have found themselves editors of some of our Northern papers and seem to think it is incumbent on them to utter an apology, about once a week, that God ever sent such miserable wretches into the world. It is from their hands that this persistent misrepresentation comes. I understood the honorable Senator from Ohio to say that I had declared that I wanted to wait to see if Mr. Buchanan would not send a Federal army down to coerce South Carolina.

SENATOR PUGH.—I say to the Senator frankly that I did so understand his remarks—not that he used those words, but that was the amount of what he said, as I thought. I shall be very happy if the Senator did not mean that.

SENATOR HALE.—Well, sir, if so intelligent a man as the Senator from Ohio misunderstood me in that respect, I ought to abate a little of those adjectives that I have heaped on those editorial wretches. [Laughter.]

SENATOR PUGH.—I think you had better leave the adjectives out.

SENATOR HALE.—I said that, in my humble judgment, the course of events would lead to war; and when the Senator from Mississippi [Mr. Brown] asked me if I meant to threaten war, I repeated over and over again that I meant no such thing; but I believed that the course of events was tending in that direction. I said it, and I believed it, and I believe it now. I deprecate it as much as any man on this floor can; I would make as much honorable concession as any man can; but I should scorn myself, and the gallant people that sent me here would scorn me, if I could stand up on this floor to menace war. I will go further. I will say to the Senator from Ohio that I not only never said, but I never had such a thought as, that Mr. Buchanan would send an army down to South Carolina. I will tell you, sir, what I believe to be his position—and I am sorry to be provoked to say it. I believe that, instead of sending an army down to South Carolina, Mr. Buchanan is on his knees before them to-day, begging them for God's sake to stave this thing off until the 4th of March, so that he may get out of the way of the shower before it comes. [Laughter.]

There was one thing which the honorable Senator from Mississippi [Mr. Davis] said while he was up that I did not exactly catch, and nothing but my reluctance to break in upon a gentleman while he is speaking prevented me from asking him at that time if I understood him correctly. He said that he appealed to this side, to this party, who had committed the act which had driven us to this position. As I did not get the floor of the Senate, I went over and asked the Senator from Mississippi privately if I understood him, because, although the Senator from Georgia [Alfred Iverson] the other day represented that there is a state of armed neutrality here; that nobody here ever goes to the other side, and that nobody there ever comes here, I will say that whenever I have had occasion to go over on that side, even though it were to address the Senator from Georgia himself, I have always met kind, courteous, and gentlemanly treatment.

SENATOR IVERSON.—It is all on the surface; only skin deep.

SENATOR HALE.—Well, then, sir, I have done you more credit than you deserve. [Laughter.] Thus encouraged, I went over and asked the Senator from Mississippi candidly, and it seems I misunderstood him. He did not speak of any particular act, but of a series of acts. Now, sir, I declare, before God and the country, that there is no one thing that I more desire in this

world than to see that bill of indictment fairly, honestly, and intelligently made out. What is it that my State has done? I represent but one State. I am unfortunate. A great many gentlemen represent whole squads of States. [Laughter.] I represent only one, and she is one of the smallest in the Union. I should be glad to see the bill of indictment fairly and squarely and legitimately and constitutionally made out. I would ask gentlemen to put their finger on the place and name the time and the occasion when the State which I have the honor in part to represent here has done anything inconsistent with her constitutional dignity and her constitutional duty—inconsistent with that fraternal feeling which should govern the representatives of the States of this Confederacy. And, sir, I can tell the honorable Senator from Georgia that, when I speak of this fraternal feeling, it is a little more than skin deep with me. I have gloried in the Union and in the country, and the whole of it; and I believe, sir, that if evil days are before us, they are the just judgments of a righteous God for the iniquities of a people who have been blind to His mercies and reckless in the use of the great privileges that He has bestowed upon them.

Senator Pugh.—I certainly must apologize to the Senator from New Hampshire. I did understand his speech as I said; but I am very happy to be under the necessity of apologizing, he has left so much more pleasant impressions on my mind by this speech than he did by the other.

James M. Mason [Va.].—I look upon the present crisis as a war of sentiment and opinion by one form of society against another form of society. How that will end I will not undertake to predict; but, if there be a remedy for it, it is not here; it must be at home in their own State councils; and I should regret extremely if any vote I am to give here should mislead public judgment so far as to lead them to suppose that they are to look here for safety.

I fear, too, sir, that in what fell from the honorable Senator from New York [Mr. King] we are admonished of the sort of legislation that is looked to on that side as a remedy for impending dangers. The honorable Senator says that it is the duty of the Executive head of the Confederacy to execute the laws; that it is the duty of Congress, if he has not sufficient power now under the law, to give it to him; that he knows of nothing that can resist the laws unless it originates in insurrection or rebellion, which is to be put down. That means, Mr. President, that, in the relation which subsists between the States of the Union and the Federal power, State existence is not to

be recognized; and that, if a State abandons the Union, separates from it, severs all political connection with it, that fact is not to be recognized by, or known to, the Federal Government. A State in the full plenitude of her sovereignty entirely resumed by her fundamental law, absolves her citizens from the allegiance they formerly held to the Government which they abandoned. That is not to be known; but the law is to march straight forward, like the car of Juggernaut, crushing all who may oppose it. They may call it what they please; they may call it putting down resistance to the laws, or insurrection, or rebellion, or treason in a citizen, but at last it is war—open, undisguised war—by one political power against another political power. Well, sir, if this be true, I am not one of those who will lend my aid or my vote to any legislation contemplating such a state of things.

WILLIAM BIGLER [Pa.].—I tell you, Mr. President, that the question is settled in relation to this great movement which is now progressing in certain of the Southern States. I know the efforts that are now being made to stay the hand of the Southern people, and to cool down the patriotism which is burning within the Southern hearts; but it will be ineffectual, sir. When the barricades of Paris were raised and the masses of that great city were upheaving in their majesty against the arbitrary power of the monarchy, Louis Philippe saw his danger and attempted to avert it by changing his ministry. He turned out M. Guizot and nominated M. Thiers as his principal adviser. That he supposed would quiet the dissensions which he saw rising around him; but, sir, the words "too late," "too late," went all through the streets of Paris. The next day, when he found the streets barricaded, he abdicated the throne in favor of his grandson, and made an effort, through his friends, to obtain the regency of his daughter, the mother of the Count of Paris. When that was done, in the hope that he might quell the insurrection then rising around him, "the same words 'too late' ran through all the masses of Paris, ringing out in sepulchral tones like the trump of the archangel summoning the dead to judgment." So now, sir, you may tinker the Constitution, if you please; you may propose concessions; you may suggest additional legislation; you may present additional constitutional securities; you may attempt by all these ingenious devices to stay the storm which now rages in the Southern States, to prevent that people from marching on to the deliverance and liberty upon which they are resolved; but, sir, the words "too late" that ring here to-day will be reiterated from mountain to

valley in all the South, and are now sounding the death knell of the Federal Union.

Senator Douglas replied to the charge of Senator Iverson that the Fugitive Slave Law was not enforced in the Northern States. Other laws, notably that against the slave trade, were not enforced. The Fugitive Law was observed in nineteen cases out of twenty in Illinois. As to the personal liberty laws, they existed only in States where the fugitives rarely go. Illinois had no such law. Strangely enough the border States, whence the fugitives came, were not complaining.

If you go North, up into Vermont, where they scarcely ever see a slave, and would not know how he looked, they are disturbed by the wrongs of the poor slave just in proportion as they are ignorant of the South. When you get down South into Georgia and Alabama, where they never lose any slaves, they are disturbed by the outrages and losses under the non-fulfillment of the fugitive law just in proportion as they have no interest in it, and do not know what they are talking about. [Laughter and applause in the galleries.]

If this Union is to be severed, it will be because the two extremes, who are so far from each other that they do not understand the evils of the question, are each acting under a misapprehension toward the other, and, hence, are doing injustice to each other.

Senator Powell replied that the neighboring border States, North and South, were not as friendly as Senator Douglas stated. Thus the Governor of Ohio, William Dennison, had refused to deliver a fugitive slave upon requisition by the Governor of Kentucky. Kentucky, he said, lost every year more than $100,000 worth of slave property by the operation of the "Underground Railroad" (an Abolition organization which spirited away negroes from the South to Canada).

Benjamin F. Wade [O.] said that the requisition was not honored because it failed to show that the fugitive had ever been in Kentucky. Senator Powell denied that this flaw existed, and stated that Thomas Ewing, Sr. [O.], had denounced Governor Dennison for failing to comply with the requisition.

Senator Wade then admitted that the refusal could not be justified on the ground he had urged, but he claimed that a Governor of Kentucky had failed to comply with a requisition from the Governor of Indiana in a case of (negro) kidnapping, because this was not an offence in Kentucky, and Governor Dennison thus had precedent for his refusal.

SENATOR DAVIS.—Mr. President, we seem to have entered on exactly that field which I had hoped might be avoided—one of crimination and recrimination.

It is not by pleading to special cases and asking for specifications, it is not by crimination and recrimination that the sense of the people is likely to be changed or the action of the States now assuming to judge in the last resort is to be modified in any degree, or that their respect for the manner in which the subject is here treated is to be heightened. All that can serve a useful purpose at the time is to bring forth evidence, if the fact exists, of that kind of feeling toward us, the absence of which we consider the greatest grievance under which we labor.

Senator Mason again addressing himself to the subject of popular conventions in the States to discuss the subject of reconciliation, Senator Douglas replied as follows:

Why is it that the non-execution of a law, or a defect in an act of Congress, cannot be remedied in Congress, but must be referred to a convention of States? And what sort of a convention of the States is proposed? Not a convention of all the States; but it is proposed that the Southern States shall go into convention by themselves, and the Northern States by themselves; and when they get into separate conventions the same misapprehensions that have blinded the judgment of Senators here will blind the judgment of the conventions; and each convention will criminate against the other section, and have nobody there to expose the error. The Senator thinks it a misfortune that we have got upon these details. I am delighted that we have some specifications, so that we can discuss details. All I ask is that the specification of grievances shall be made out. Give us each charge and each specification. If there is any one that can be substantiated I will vote for the necessary legislation and the necessary power in the executive to remove it; and every one that is not true should be abandoned. I hold that

there is no grievance growing out of a non-fulfillment of constitutional obligations which cannot be remedied under the Constitution and within the Union; and I hold that every constitutional obligation imposed by that instrument must be executed by the Federal Government. If legislation is necessary Congress is the proper tribunal to furnish that legislation, and not conventions of the separate States. The Constitution does not prescribe that as a mode of fulfilling constitutional obligations.

Louis T. Wigfall [Tex.].—The Senator from Illinois pledges himself here before the country, and as a Senator, that if we will make out our list of grievances, and state the specifications, he, by his vote, will remove them. Now, sir, I accept the pledge, and I will state a grievance. It is that the inhabitants of a Territory, gathered from every quarter of the world—from the five points of New York and the purlieus of London—under homestead bills, have squatted upon domain that belongs to these States; that they, in their arrogance and impudence, countenanced by men whose opinions have in other days weighed with the people of the United States and in open violation of the organic law, in open violation of the law of Congress that organized the Territory, have attempted to decide what is property and what is not, and to confiscate it. Now, I ask the Senator from Illinois whether he will vote to repeal their unconstitutional, illegal legislation, and whether he will vote, in order to restore peace to the country, for enforcing the laws and protecting the rights of the people of the South in their property within the Territories? That is one of the grievances under which we are excited, under which we are suffering. It is one of the points that has excited the public mind as much as any other, and the country in which I live infinitely more than the Fugitive Slave Bill, or all other bills upon that question. It is this attempt of the inhabitants of a Territory to assume powers which are denied, in this day and generation, the people of sovereign States.

Now I put it to the Senator from Illinois. I wish no dodging. Our proposition is that slaves are property. We say that they are property by the laws of the States in which we live. We say that they are recognized as property by the Federal Constitution. Three times in that compact are they recognized as property. First, there is a provision that, before the year 1808, the slave trade should not be interrupted. Then it was recognized as a legitimate matter of commerce. The slave trade could not by Congress be interfered with for twenty years. It was the

only branch of trade that could not be interfered with. This was a clear, distinct recognition of the principle that man has the right to own property in man—yes, sir, and to traffic in the souls and bodies of men. That is in the Constitution. Another recognition of slaves as property is in the further provision that when they escape they shall be delivered up on claim of their owners. The third is the provision as to taxation and representation. We say, then, that slaves are property by the law of the land; by our own State constitutions and State laws; that slaves are recognized in the Federal Constitution as property. We say that within our own limits we will protect that species of property. Within the limits of the States where it is not property we ask no protection. We say that in all Federal territory, in this District of Columbia, on board our merchant vessels when three miles from shore, wherever the Federal flag floats, or the Federal laws extend, or the Federal courts have jurisdiction, there we are entitled to protection unless this Government is unlike any other government that ever was instituted by man, and is not pledged to protect the property of citizens that is within and under its jurisdiction. These being our views, we demand that in the District of Columbia, in the forts, in the navy yards, in the dock-yards, on board of our merchant vessels when three miles from land, and in the Territories, that species of property shall be protected by Federal legislation. Will the Senator give us that protection?

Senator Douglas.—If the grievance is that we have not passed laws to protect slavery in the Territories, why does not some one of you bring in a bill to protect slavery in the Territories? It will not do for you to say you will destroy the Union for fear we will not do that which no man of you will bring forward a law to do. Nor will it do for you to assume that such a bill would not be passed until you make the effort. It will be time enough for you to assign that as a cause for breaking up the Union when you have made an effort and have failed in getting the law passed.

Senator Wigfall.—What is the use of our discussing on this side of the Chamber what we would be satisfied with, when nothing has been offered us, and when we do not believe that we will be permitted to retain even that which we now have? If Northern Senators, who have denied that, by the Constitution of the United States, slaves are recognized as property; who have urged and advocated those acts which we regard as aggressive on the part of the people—if they will rise here and say in their places that they desire to propose amendments to the Constitu-

tion and beg that we will vote for them; that they will, in good faith, go to their respective constituencies and urge the ratification; that they believe, if these Gulf States will suspend their action, that those amendments will be ratified and carried out in good faith; that they will cease preaching this "irrepressible conflict," and if, in those amendments, it is declared that slaves are property, that they shall be delivered up upon demand; and if they will assure us that Abolition societies shall be abolished; that Abolition presses shall be suppressed; that Abolition speeches shall no longer be made; that we shall have peace and quiet; that we shall not be called cut-throats and pirates and murderers; that our women shall not be slandered—these things being said in good faith, the Senators begging that we will stay our hand until an honest effort can be made, I believe that there is a prospect of giving them a fair consideration. [Laughter on the Republican side.]

Senators laugh in my face. I beg that my friend from Kentucky [Mr. Powell] and other Union-savers upon this floor will look and see the derision, the contempt, that is expressed in every Senator's face on the other side when I make these propositions. I trust that they will understand. *Fas est ab hoste doceri* —learn even from your enemies some wisdom. Waste not your time in idle prattle. You are regarded as poltroons; and they talk of force, of coercion, of holding this glorious blood-bought Union, as they regard it, together with hemp. And yet you petition and beg and ask that this "glorious Union" may be continued, in order that you may be taxed, and that the hard earnings of those men whom you represent shall be taken from their pockets in order to build up Northern wealth and property, to clear out their harbors and construct their roads. This is the manner in which you are treated when you talk about compromise. I say to the Senators on the other side that you will have to abolish your Abolition societies if you expect to live long in our company. I say that within your borders there are presses and there are public speakers, and unless the newspapers have given a false account of the fact your President-elect a few months before his nomination was a hired Abolition lecturer, delivering, at $100 each, lectures throughout the country, exciting the people against us. We say to those States that you shall not—that is the phrase I choose to use, and I reflect the feeling and determination of the people I represent when I use it—you shall not permit men to go there and excite your citizens to make John Brown raids or bring fire and strychnine within the limits of the State to which I owe my allegiance. You shall not

publish newspapers and pamphlets to excite our slaves to insurrection. You shall not publish newspapers and pamphlets to excite the non-slaveholders against the slaveholders or the slaveholders against the non-slaveholders. We will have peace; and if you do not offer it to us we will quietly, and as we have the right under the constitutional compact to do, withdraw from the Union and establish a government for ourselves; and if you then persist in your aggressions we will leave it to the *ultima ratio regum*,[1] and the sovereign States will settle that question

> "Where the battle's wreck lies thickest
> And death's brief pang is quickest."

And when you laugh at these impotent threats, as you regard them, I tell you that cotton is king! [Loud applause in the galleries.]

I say that cotton is king, and that he waves his scepter not only over these thirty-three States, but over the island of Great Britain and over continental Europe, and that there is no crowned head upon that island, or upon the Continent, that does not bend the knee in fealty and acknowledge allegiance to that monarch. There are five million people in Great Britain who live upon cotton. You may make a short crop of grain, and it will never affect them; but you may cram their granaries to bursting, you may cram them until the corn actually is lifting the shingles from the roofs of their barns, and exhaust the supply of cotton for one week and all England is starving; and we know what men do when suffering from famine. They do not burst open barns and divide the corn. In their frenzy they burn and destroy. We shall never again make less than five million bales. I know that Senators on the other side suppose that when "this glorious Union" is disrupted it will be in blood, and that our negroes will rise in insurrection. We understand it well enough to make the experiment, and I say to Senators upon that side that next year they will see the negroes working as quietly and as contentedly as if their masters were not leaving that country for a foreign land, as they did a few years ago when they were called upon to visit the Republic of Mexico. We understand that question. Five million bales of cotton, each bale worth fifty dollars at least—fifty-four dollars was the average price of cotton last year—give us an export of $250,000,000 per annum, counting not rice, or tobacco, or any other article of produce. Two hundred and fifty million exports will bring into our own borders—not through Boston and New York and Phila-

[1] "The last argument of kings."

delphia, but through our own ports—$250,000,000 of imports; and forty per cent. upon that puts into our treasury $100,000,000. Twenty per cent. gives us $50,000,000. What tariff we shall adopt, as a war tariff, I expect to discuss in a few months, and in another Chamber.

You suppose that numbers constitute the strength of governments in this day. I tell you that it is not blood; it is the military chest; it is the almighty dollar. When you have lost your market; when your operatives are turned out; when your capitalists are broken, will you go to direct taxation? When you cease to have exports, will you have imports? Burn down a factory that yields ten, fifteen, twenty, twenty-five thousand dollars a year to its owner and he goes to the wall. Dismiss the operatives, stop the motion of his machinery, and he is as thoroughly broken as if his factory were burnt; for the time he is bankrupt. These are matters for your consideration. I know that you do not regard us as in earnest. I would save this Union if I could; but it is my deliberate impression that it cannot now be done. I have been studying the character of the people that you represent for years past. The family of Dives was the most prolific family that ever breathed or lived upon this earth. Those five brothers would not believe either Moses or the prophets; and if one rose from the dead we are told that they would not believe him. They were prolific, and their descendants have settled in the country in which you live. [Laughter.] That is your business, however; not mine. Now, the question is, can the Union be saved?

I desire the Union to be saved. I have always been a Union man; I am now a Union man—not from any silly notion that it is of divine origin; not from any absurd idea that blood was ever shed for it; not because I suppose it is an inheritance from our fathers, for it is neither one nor the other. This Union is a compact between States, and may, with the same propriety, be regarded as an inheritance as you would regard a treaty between Great Britain and France, or either of those countries and this.

This is the Union; and when the distinguished Senator from New York [Mr. Seward] said that there was an irrepressible conflict I simply came to the conclusion that he did not know what he was talking about. Why, sir, States that are monarchical in their form of government, States that are republican, States that are democratic, States that are aristocratic, States that are slaveholding, States that are non-slaveholding, States that are agricultural, States that are commercial, States that are manu-

facturing, can all live under precisely such a Constitution as the old thirteen States ratified and made binding between them; and there is no irrepressible conflict about it. The very diversity of interest in these different States is the reason for forming the Constitution. If we had been a homogeneous people, if our industrial pursuits and interests had been identical, there would have been no necessity for a Union, no necessity for consolidating the Union; but there would have been a necessity for destroying the old Articles of the Confederation, obliterating State lines, abolishing State governments, destroying the Union, and becoming a single consolidated people. Why? Because, under those circumstances, the interests, the prejudices, and the passions of all sections being the same, the ballot-box would have given ample security to domestic peace and tranquility and prosperity.

Your irrepressible conflict is predicated upon the supposition that this is a consolidated Government; that there are no States; that there is a national Government, as they call it; that the people who live between the two oceans and between the Gulf and the lakes are one people; that the boundaries of Massachusetts have, by some hocus pocus, been extending themselves until they embrace all the remainder of the Union; and that we are one people, have a national Government, and are under the control of "the Massachusetts school of politics," as the Senator from New York said he was. This is the fatal error. If you could have seen it in time much of this difficulty would have been avoided. We see and we know and we feel that you are administering this Government upon the idea that there is but one single State or nation, and that you, under these impressions, believe that you are responsible for the domestic institutions of all the other States.

If you suppose that we are to be amused with the clap-trap of 4th of July froth and the idea that there is anything of sacredness in a compact between nations, or that nations inherit rights, I simply say that those among whom I live have passed that point. So devoted a friend of the Union am I that when (as I know it must be, because I see no disposition to save or to prevent it) the eight cotton States have withdrawn from this Union, as they will in the next two months do, and meet in convention to adopt a federal form of government for themselves, and to establish a foreign department, I for one shall advocate the adoption, without crossing a *t* or dotting an *i* of this same old glorious Constitution that was ratified by the old thirteen States; and when Virginia and Tennessee and Maryland and Kentucky

and the other border States see what we have done, and know that the States who propose confederation to them will keep their treaty compacts, I have no doubt that one after the other of them will come into our Union, and many days or months will not pass before this beautiful fabric will again be the scene of our discussions, in which we will consider not only those matters which appertain to us in our domestic affairs, but our foreign relations with you, and it may be, if war can be avoided, which you desire not to avoid, for you are wiser than that, we may here form a treaty with you.

You know full well that if this Union is dissolved, and these Southern States go off, and your commerce is cut up, and your merchant princes are bankrupt and go to protest, and your manufactories are stopped, and your operatives are turned out, and your ships, deprived of the navigating laws, are laid up to rot, and your sailors turned loose to starve—you know that when these things occur your heads will not be safe upon your shoulders. But if, in the meantime, you can bring the power of the Federal Government to coercion, and, before the treasury is drained of its last dollar, you can make soldiers out of your operatives and your sailors, you expect then, amid the heat of the contest, the confusion of ideas, as well as everything else, that you can conceal the facts, and denounce us for the calamities that are on this people; and you expect not to lead, but to send them to battle. I understand your game as well as you do. There may, in this general arrangement, be conservative States of the North included. Pennsylvania may see that her iron and coal are about to be dug in the mountains of Tennessee and Virginia and North Carolina; Ohio and Indiana and Illinois may see that the grain, and the meat, and the hemp, and the horses, and the mules, which they now furnish to us, may be bought in Kentucky and in Missouri and in Tennessee; and they may leave you in the cold and come to us; and when they do they will understand the blessings of this Union from having lived out of it a few months, and they will be prepared to carry out in good faith the compact which they entered into with us.

If it were not for memories of the past, and for patriotic sentiments which I have heard from some persons who live in New England, I would regard it as the greatest blessing that had ever befallen the human family that they could be left to live upon granite and ice. I do not know whether it would have any effect upon them; but it is said that hunger will tame a wolf. I do not know whether it would have any effect on them; but this I do know, that then they would have to content them-

selves with managing their own affairs; and if they permitted their people further to interfere with us the sword would settle the contest, and the next treaty which was signed would be in Faneuil Hall, in the town of Boston, and in the State of Massachusetts—there in that place which has been called the cradle of liberty, and has proved to be the grave of the Constitution. We understand our own business, we understand our own affairs, we understand our relations to these other States, and we intend to provide while we have time for our own security; but that man slanders us who says that we are disunionists; that man slanders us who says that we are dissatisfied with the form of Government under which we live; that man slanders us who says that we are now, or have at any other time been, impelled to the course of action which we are taking by any feeling except the most serious apprehension that our safety demands it.

The Senator from Illinois [Mr. Douglas], when we asked for bread, offered us a stone. When we asked for a fish he gave us a serpent. When we asked for additional guaranties he got up here to explain to us that we had nothing to complain of; that nineteen-twentieths of the negroes who run away from any of the border States are returned; and that we, down on the Gulf, are making a hullabaloo about a matter that does not concern us; and that even in the border States they have nothing to complain of. That was his statement. He denies that the people of the South are dissatisfied as to his squatter sovereignty doctrine. He will not say whether he would amend the Constitution or not. He wants us to act by bill. He wishes us to indulge here in the child's play of introducing bills upon this question, spending weeks and months in discussion, while these States, one after another, are walking out of the Union and establishing their relations with each other and with foreign powers.

You tell us that our course is very unreasonable. Suppose it is. You have got to deal with our folly; and I say to you that you have got to yield to our foolish determination of having the principle of equality between the States recognized or Texas certainly goes out of this Union. What, sir, are we to live with a ban upon us? Are we to be taboo; are we to have the mark of Cain upon our brow without the protection which it gave to him? Are we to be told that we are not your equals; that the property which we hold is not property; and that, wherever this Government, which we organized, has jurisdiction, it shall not only not protect our property, but will confiscate it; and should we be freemen if we submitted?

Then another proposition which I would make, if you were seriously disposed to consider it, would be, that you should cease to discuss the question, and be content that you are in a better situation than we are. Thank God that you are not, like us, poor publicans; but do not be thrusting your blessings all the time in our faces. Restrain your own citizens, and keep them from making raids. In the State in which I live during the last summer there were four towns that I know of, county sites, burned smooth to the ground. There were fourteen other settlements that were burned down. Strychnine was brought and given to our negroes, for the purpose of poisoning their masters. An association called "The Mystic Red" was entered into by members of the Methodist Church North and the John-Brown men; and their purpose was to carry out the irrepressible conflict, to burn our towns, burn up the stores of our merchants, burn up the mills, to bring free-soil Northern capital in, and thus get possession of Texas, and make it a free State, in order, as they said, to belt us round with free States, to starve us out or cause us (as has been said by one whose language I seldom quote) like poisoned rats, to die in our holes.

This is what you call union and fraternal affection. Why, sir, it is the result of that Helper book indorsed by yourselves. It is the result of the preachings and the teachings of the Senator from New York. It is the result of the preachings and teachings of other Black Republican leaders. It is the result of the preachings and teachings of your followers or pretended followers of Christ. In your schools you teach your children to hate us. In your pulpits you teach it as a religious duty. Upon the hustings you teach it. Your eighteen Northern nonslaveholding States nominate two of the most fanatical of your sect as candidates for President and Vice-President. You elect them; and now you tell us that they shall be inaugurated. Previously to the election and to the anticipated inauguration you organized a Prætorian guard. The Senator from New York told his John-Brown, Wide-Awake Prætorians[1] that their services could not be dispensed with after the election; that they would be needed to secure the fruits of the victory. One-half million of men uniformed and drilled, and the purpose of their organization to sweep the country in which I live with fire and sword——

SENATOR SEWARD.—I cannot tell what there has been which could be perverted or misunderstood so as to imply that I have

[1] A marching organization of Republicans in the recent presidential campaign.

ever said or intimated that the Wide-Awakes were to be kept organized, disciplined, and uniformed, or associated at all to secure the fruits of this victory. I think I may say safely that I never could have delivered anything which could have borne such a construction.

SENATOR WIGFALL.—Mr. President, the denial of the Senator, of course, is all that I could ask. I saw him so reported, and have seen it frequently. This Wide-Awake association has itself produced an immense deal of excitement and bitter feeling. Whether the Senator from New York said what has been ascribed to him or not would not be a matter of any moment further than he is concerned. That he did not say it I am now, of course, convinced. But that this pretorian band is organized; that its members do undergo military drill; that it is a military organization, no man who has looked upon them, as I did this last summer, and heard their regular military tramp, does or can doubt.

The non-slaveholding States have nominated and elected their candidate. Tell me not that we have got the legislative department of this Government, for I say we have not. As to this body, where do we stand? Why, sir, there are now eighteen non-slaveholding States. In a few weeks we shall have the nineteenth, for Kansas will be brought in. Then the arithmetic which settles our position is simple and easy. Thirty-eight Northern Senators you will have upon this floor. We shall have thirty to your thirty-eight. After the 4th of March the Senator from California [Mr. Latham], the Senator from Indiana [Mr. Bright], the Senator from New Jersey [Mr. Thomson], and the Senator from Minnesota [Mr. Rice] will be here. That reduces the Northern phalanx to thirty-four.

KINGSLEY S. BINGHAM [Mich.].—Douglas.

SENATOR WIGFALL.—What?

SENATOR BINGHAM—Douglas.

SENATOR WIGFALL.—*Non tali auxilio nec defensoribus istis, tempus eget.*[1] [Laughter.] There are four of the Northern Senators upon whom we can rely, whom we know to be friends, whom we have trusted in our days of trial heretofore, and in whom, as Constitution-loving men, we will trust. Then we stand thirty-four to thirty-four, and your Black Republican Vice-President to give the casting vote. Mr. Lincoln can make his own nominations with perfect security that they will be confirmed by this body, even if every slaveholding State should remain in the Union, which, thank God, they will not do. You

[1] "Neither of such help nor of these defenders do the times have need."

have elected your President, and you can inaugurate him; and we will have neither lot nor parcel in this matter.

Senators, some of them, have spoken of the excitement of the South. I tell you the excitement has passed off, the fever has subsided, and the patient has collapsed. So far as this Union is concerned the cold sweat of death is upon it. Your Union is now dead; your Government is now dead. It is to-day but lying in state, surrounded, it is true, by pomp and ceremony. They are, Senators, but the mournful ceremonies, pomps, and pageants which are seen around the mighty dead. The spirit has departed, and it has gone back to those who gave it—the sovereign States of this Union. There is now in the Gulf States no excitement. There is a fixed, determined will that they will be free; and men who come here and talk about wishing to preserve this Union by way of avoiding what they call precipitate action tell us that we are to be hung if we dare be free. The Senator from Illinois has declared, in his celebrated Norfolk speech, that he was going to hang the President of the Opposition party if that President should beat him and not administer the Government according to his notions. He was then going to hang all the Virginians who attempted to act upon his "great principle of the right of self-government." You talk about hanging; about States committing treason; about enforcing the laws; and doing all sorts of things. Sir, the constitution of South Carolina was adopted on the 26th of March, 1776. That was before the Declaration of Independence. On the 26th day of March, 1776, the inhabitants of South Carolina became a people; they then became vested with sovereignty; they then asserted their right to self-government.

The present constitution of South Carolina, for obeying which her citizens are to be hanged, contains this oath, which has been taken by every officer in that State:

> "I do solemnly swear (or affirm) that I will be faithful and true allegiance bear to the State of South Carolina, so long as I may continue a citizen thereof."

Now, Senators, you are dealing with a sovereign State. You talk about hanging men who obey their oaths.

Those people do not believe that they are citizens of the United States. I do not believe that they are citizens of the United States. I do not believe that I owe allegiance to the United States. I believe that I owe allegiance to my State; and to that State that allegiance shall be recognized, and the obligation fulfilled to the letter of the law.

When South Carolina became one of the States of this Union that oath of allegiance and fealty to the State of South Carolina was upon her statute-book and in her constitution. These other States confederated with her, knowing that her citizens were bound to swear allegiance to their own State. There was more than this oath of allegiance which they swore:

"I do acknowledge the State of South Carolina is, and of right ought to be, a free, independent, and sovereign State." . . . "And I do further swear that I will bear faith and true allegiance to the said State, and, to the utmost of my power, will support, maintain, and defend"—

What?

"the freedom and independence thereof."

With that oath upon the record she was admitted into this Union; and it will not do now for her sister States, or for this agency of the States, that has no power except by the permission of the States, that exercises no power except by the permission of the States, and that can be stripped of every power by those States, to deny that the people of that State are bound to obey their oaths. Those who swear to obey the Constitution of the United States and violate it laugh at oaths; but, thank God, the people among whom I have lived, and whom I represent upon this floor, have never dealt so lightly with their oaths. I say that a more monstrous outrage will not have been committed in any country than will be committed if this Government attempts coercion in any manner. It is impracticable; it is unconstitutional; it is revolutionary; and the moment that this Government, through its executive, legislative, and judicial departments, or through any of them, shall deny that these States are sovereign, and shall attempt to reduce one of the parties to the compact to the condition of a conquered province, such offence will be given to every other State as to cause them to rally to their respective standards, and rescue the Constitution from the grasp of those who would tear it up and trample it under foot.

For years past that unfortunate but gallant people have been misrepresented. Their palmetto has withered under the blighting influence of the breath of slander, and its broad leaves have been like the leaves of the funereal cypress; but, thank God, it is again spreading its branches to the sun, and, green and luxuriant, it now presents itself to the gaze of the people of the thirty-three States as in the brightest days of its glory. Sneers and scoffs will not serve your purpose. Your eighteen million will find a gallant few who will welcome them, as was well said

the other day by the Senator from Georgia [Mr. Iverson], "with bloody hands to hospitable graves." You may conquer them; you may trail that palmetto banner in the dust; but you will never reduce that people to slavery. No, sir; South Carolina may be made a graveyard of freemen, but, before God, it will never be the habitation of slaves. [Manifestations of applause in the galleries.]

When you know that the citizens of that State have sworn allegiance to it, and are bound, on their oaths, to obey the behests of their sovereign; when you know that that State is going out of the Union, is there any sense, is there any justice, is there any humanity, in attempting to keep her in it? You talk about enforcing the laws! There is no man who would go further for enforcing the laws within the limits of the United States that I would; and as long as South Carolina remains in the Union the laws should be enforced there; and I hazard the assertion that there will be no necessity for enforcing them; they will be obeyed. I judge that when her minister visits this court and presents his credentials that State will wait until that question has been acted upon; and not until her right to secede is denied, and authoritatively denied, will she insist that the federal troops shall be removed from those forts which she has ceded to the Union.

I regretted extremely to see that the President of the United States was laboring under a misapprehension as to the title by which these forts are held and the consideration for which they were ceded to the United States. I will not weary the Senate by reading further from the records which establish these great historical facts, but I state that, from the Declaration of Independence, and a year before it, until the year 1805, South Carolina was the possessor of all that soil upon which those forts are erected. In 1805 she ceded, voluntarily, to the United States, without money and without price, those forts, upon two conditions only: that they should be kept in repair, and be garrisoned by the Federal Government. She, previously to that time, ceded all that territory, without money and without price, upon which the great and gallant States of Mississippi and Alabama have been erected. Then, having ceded for Federal purposes the land upon which these forts are erected, she appointed commissioners, and out of her own treasury paid for having the land surveyed, and, as appears from a letter from the engineer who was sent there to examine the forts, when this Government had not the money to make the repairs, the citizens of Charleston voluntarily raised the necessary money in order to have the repairs made.

It is unfortunate that the President did not inform himself as to the facts before insinuating that she sold for money this property, and therefore was not entitled to claim it.

It was her voluntary gift to the United States for Federal purposes. When she ceases to be one of the United States the purposes for which she made the cession cease; and those forts, and the land upon which they have been erected, should be ceded back to the State. While these matters are negotiating I have no doubt that the State will stay her hand. But if there is an attempt, which I trust in God there may not be, to strengthen those garrisons, or in a moment of imprudence a man-of-war should be sent into that harbor, I say to you that those forts will be taken, cost it the life of every man in that State.

When some of these States that are not robbed by the loss of fugitive slaves choose not to submit longer to be confederated with States that are faithless they are answered by saying, "Why do not you wait till the States that are robbed shall resist?" Why, sir, if I and a friend happen to be passing along Pennsylvania Avenue, and both are slapped in the face, and, in addition to the indignity, the purse of my friend is also taken from him, does his submission devolve upon me any duty also to submit? Because robbery has not been added to insult and perjury and perfidy, South Carolina and Georgia and Florida and Alabama and Mississippi and Texas and Arkansas are not to complain!

This sort of logic we do not understand in that section of the country. Our misapprehension, doubtless, is the result of the "barbarism of slavery."[1] In that country there are men who, even in this utilitarian age, are not dead to all sentiment; who defend with the hazard of their lives and with their blood their personal honor; and will be as ready to defend the honor of their States as they are their individual respectability. It is the declaration of divine justice that he who sheds man's blood shall have his blood shed by man; and I say that he who taints the blood more kills than he who sheds it. That proud State that I am speaking of—and I speak of her because she has no representative upon this floor, and because she is about to act, and because there has been an effort to isolate her from her sisters—has not heretofore, and will not hereafter, show any insensibility to that which touches her honor. Her citizens are few; they may be conquered; there may be none left to tell the story of their disaster. It does not always follow, Senators,

[1] An allusion to a speech of Senator Charles Sumner [Mass.] bearing that title.

that because a people are weak they are going to submit to tyranny.

History tells us of the King of Lacedæmon and his three hundred who died at Thermopylæ. There was an oath in Sparta as there is an oath in South Carolina. The people of South Carolina have sworn to maintain the independence and the freedom of their State. It is the law of that State. When Leonidas and his gallant three hundred fell history tells us that upon the stone which covered that gallant dead were inscribed these words, "Stranger, tell the Lacedæmonians that we lie here in obedience to their laws." In my own State there is an inscription not less touching. Upon the blood-stained stones of the Alamo there are now to be seen written these words: "Thermopylæ had her messengers of death; the Alamo had none." Those who have no sentiment; those who laugh at it; those who regard a sense of honor as one of the relics of barbarism and the incident of the institution of slavery, I know do not understand, or comprehend or appreciate the feelings which influence the people of the slaveholding States.

Thank God, there are also in the other section a gallant few —that old, glorious, Constitution-loving Democratic party—from some of whom we have, upon issues which we regarded as material, differed of late—who, I trust, will bring to the altar of the Constitution their feelings of alienation, and, sacrificing them, stand by the Constitution. If we cannot save this Union as it was originally formed by these States let it be dissolved rather than see a military despotism erected upon its ruins. There is now an effort making to erect such a despotism. The edifice is not yet completed. South Carolina, thank God! has laid her hand upon one of the pillars, and she will shake it until it totters first, and then topples. She will destroy that edifice, though she perish amid the ruins.

Benjamin F. Wade [O.].—Mr. President, this is a most singular state of things. Who is it that is complaining? They that have been in a minority? They that have been the subjects of an oppressive and aggressive Government? No, sir. When the leaders of the old glorious Revolution met at Philadelphia eighty-four years ago to draw up a bill of indictment against a wicked king and his ministers, they were at no loss what they should set forth as the causes of their complaint. They had no difficulty in setting them forth so that the great article of impeachment will go down to all posterity as a full justification of all the acts they did. But let us suppose that, instead of its being these old patriots who had met there to dissolve their con-

nection with the British Government, and to trample their flag under foot, it had been the ministers of the Crown, the leading members of the British Parliament, of the dominant party that had ruled Great Britain for thirty years previous. It would be said: "You who have had the Government in your own hands; you who have been the ministers of the Crown, advising everything that has been done, set up here that you have been oppressed and aggrieved by the action of that very Government which you have directed yourselves." Instead of a sublime revolution, the uprising of an oppressed people, ready to battle against unequal power for their rights, it would have been an act of treason.

What has caused this great excitement that undoubtedly prevails in a portion of our country? If the newspapers are to be credited there is a reign of terror in all the cities and large towns in the Southern portion of this community that looks very much like the reign of terror in Paris during the French revolution. There are acts of violence that we read of almost every day, wherein the rights of Northern men are stricken down, where they are sent back with indignities, where they are scourged, tarred, feathered, and murdered, and no inquiry made as to the cause. I do not suppose that the regular Government, in times of excitement like these, is really responsible for such acts. I know that these outbreaks of passion, these terrible excitements that sometimes pervade a community, are entirely irrepressible by the law of the country. I suppose that is the case now; because if these outrages against Northern citizens were really authorized by the State authorities there, were they a foreign government, everybody knows, if it were the strongest government on earth, we should declare war upon her in one day.

But what has caused this great excitement? Sir, I will tell you what I suppose it is. I do not (and I say it frankly) so much blame the people of the South; because they believe, and they are led to believe by all the information that ever comes before them, that we, the dominant party to-day, who have just seized upon the reins of this Government, are their mortal enemies, and stand ready to trample their institutions under foot. They have been told so by our enemies at the North. Their misfortune, or their fault, is that they have lent a too easy ear to the insinuations of those who are our mortal enemies, while they would not hear us.

What is it of which complaint is made? You have had the legislative power of the country and you have had the Executive

of the country. You own the Cabinet, you own the Senate, and, I may add, you own the President of the United States as much as you own the servant upon your own plantation. [Laughter.] It is perfectly impossible for you now to point out any act of which the Republican party can possibly be guilty, of which you complain; because at no period yet have they had the power of making any rule or regulation or law that could, by possibility, affect you; and, therefore, I understand that when Senators rise up here to justify the overthrow of this Government, to break it up, to resolve it into its original elements, they do so upon the mere suspicion that the Republican party may somehow affect their rights or violate the Constitution.

Sir, what doctrines do we hold detrimental to you? Are we the setters forth of any new doctrines under the Constitution of the United States? I tell you nay. There is no principle held to-day by this great Republican party that has not had the sanction of your Government in every department for more than seventy years. You have changed your opinions. We stand where we used to stand. That is the only difference. Upon the slavery question, the only doctrine you can find touching it in our platform or our action, the only position we occupy in regard to it, is that formerly occupied by the most revered statesmen of this nation. Sir, we stand where Washington stood, where Jefferson stood, where Madison stood, where Monroe stood. We stand where Adams and Jackson, and even Polk, stood. That revered statesman, Henry Clay, of blessed memory, with his dying breath asserted the doctrine that we hold to-day. Why, then, are we held up before the community as violators of your rights? You have come in too late in the day to accuse us of harboring these opinions.

Then, sir, as there is nothing in the platform on which Mr. Lincoln was elected of which you complain, I ask, is there anything in the character of the President-elect of which you ought to complain? Has he not lived a blameless life? Did he ever transgress any law? Has he ever committed any violation of duty of which the most scrupulous can complain? Why, then, your suspicions that he will?

This brings me, sir, to the question of compromises. On the first day of this session a Senator rose in his place and offered a resolution for the appointment of a committee to inquire into the evils that exist between the different sections, and to ascertain what can be done to settle this great difficulty! That is the proposition, substantially. I tell the Senator that I know of no difficulty; and as to compromises, I had supposed that we

were all agreed that the day of compromises was at an end. The most solemn compromises we have ever made have been violated without a whereas. Since I have had a seat in this body, one of considerable antiquity, that had stood for more than thirty years, was swept away from your statute-books. When I stood here in the minority arguing against it; when I asked you to withhold your hand; when I told you it was a sacred compromise between the sections, and that when it was removed we should be brought face to face with all that sectional bitterness that has intervened; when I told you that it was a sacred compromise which no man should touch with his finger, what was your reply? That it was a mere act of Congress—nothing more, nothing less—and that it could be swept away by the same majority that passed it. That was true in point of fact, and true in point of law; but it showed the weakness of compromises. Now, sir, I only speak for myself; and I say that, in view of the manner in which other compromises have been heretofore treated, I should hardly think any two of the Democratic party would look each other in the face and say "compromise" without a smile. [Laughter.] A compromise to be brought about by act of Congress, after the experience we have had, is absolutely ridiculous.

Sir, it would be humiliating and dishonorable to us if we were to listen to a compromise by which he who has the verdict of the people in his pocket should make his way to the presidential chair. When it comes to that you have no government; anarchy intervenes; civil war may follow it; all the evils that may come to the human imagination may be consequent upon such a course as that. The moment the American people cut loose from the sheet anchor of free government and liberty—that is, whenever it is denied in this Government that a majority fairly given shall rule—the people are unworthy of free government. Sir, I know not what others may do; but I tell you that, with the verdict of the people given in favor of the platform upon which our candidates have been elected, so far as I am concerned, I would suffer anything to come before I would compromise that away. I regard it as a case where I have no right to extend comity or generosity. A right, an absolute right, the most sacred that a free people can ever bestow on any man, is their undisguised, fair verdict that gives him a title to the office that he is chosen to fill! and he is recreant to the principle of free government who will ask a question beyond the fact whether a man has the verdict of the people, or if he will entertain for a moment a proposition in addition to that. It is all I

want. If we cannot stand there we cannot stand anywhere. Any other principle than that would be as fatal to you, my friends, as to us. On any other principle anarchy must immediately ensue.

I say, then, that so far as I am concerned I will yield to no compromise. Many of you stand in an attitude hostile to this Government; that is to say, you occupy an attitude where you threaten that, unless we do so and so, you will go out of this Union and destroy the Government. I say to you, for myself, that, in my private capacity, I never yielded to anything by way of threat, and in my public capacity I have no right to yield to any such thing; and therefore I would not entertain a proposition for any compromise; for, in my judgment, this long, chronic controversy that has existed between us must be met, and met upon the principles of the Constitution and laws, and met now. I hope it may be adjusted to the satisfaction of all; and I know no other way to adjust it, except that way which is laid down by the Constitution of the United States. Whenever we go astray from that we are sure to plunge ourselves into difficulties. the old Constitution of the United States, although commonly and frequently in direct opposition to what I could wish, nevertheless, in my judgment, is the wisest and best Constitution that ever yet organized a free government; and by its provisions I am willing, and, intend, to stand or fall. Like the Senator from Mississippi, I ask nothing more. I ask no ingrafting upon it. I ask nothing to be taken away from it. Under its provisions a nation has grown faster than any other in the history of the world ever did before in prosperity, in power, and in all that makes a nation great and glorious. It has ministered to the advantages of this people; and now I am unwilling to add or take away anything till I can see much clearer than I can now that it wants either any addition or lopping off.

There is one other subject about which I ought to say something. On that side of the Chamber you claim the constitutional right, if I understand you, to secede from the Government at pleasure, and set up an adverse government of your own; that one State, or any number of States, has a perfect constitutional right to do it. Sir, I can find no warrant in the Constitution for any doctrine like that. In my judgment it would be subversive of all constitutional obligation. If this is so, we really have not now, and never have had, a Government; for that certainly is no Government of which a State can do just as it pleases, any more than it would be of an individual. How can a man be said to be governed by law if he will obey the law or not just as he

sees fit? It puts you out of the pale of government, and reduces this Union of ours, of which we have all boasted so much, to a mere conglomeration of States, to be held at the will of any capricious member of it. As to South Carolina, I will say that she is a small State; and probably, if she were sunk by an earthquake to-day, we would hardly ever find it out, except by the unwonted harmony that might prevail in this Chamber. [Laughter.] But I think she is unwise. I would be willing that she should go her own gait, provided we could do it without an example fatal to all government; but, standing here in the highest council of the nation, my own wishes, if I had any, must be under the control of my constitutional duty.

I acknowledge, to the fullest extent, the right of revolution, if you may call it a right, and the destruction of the Government under which we live, if we are discontented with it, and on its ruins to erect another more in accordance with our wishes. I believe nobody at this day denies the right; but they that undertake it undertake it with this hazard: if they are successful, then all is right, and they are heroes; if they are defeated, they are rebels.

I do not say this because I apprehend that any party intends to make war upon a seceding State. I only assert their right from the nature of the act, if they see fit to do so; but I would not advise nor counsel it. I should be very tender of the rights of a people, if I had full power over them, who are about to destroy a government which they deliberately come to the conclusion they cannot live under; but I am persuaded that the necessities of our position compel us to take a more austere ground, and hold that if a State secedes, although we will not make war upon her, we cannot recognize her right to be out of the Union, and she is not out until she gains the consent of the Union itself; and that the Chief Magistrate of the nation, be he who he may, will find under the Constitution of the United States that it is his sworn duty to execute the law in every part and parcel of this Government; that he cannot be released from that obligation; for there is nothing in the Constitution of the United States that would warrant him in saying that a single star has fallen from this galaxy of stars in the Confederacy. He is sworn not to know that a State has seceded, or pay the least respect to their resolutions that claim they have. What follows? Not that we would make war upon her, but we should have to exercise every Federal right over her if we had the power; and the most important of these would be the collection of the revenues. It will be incumbent on the Chief Magistrate to proceed

to collect the revenue of ships entering her ports, precisely in the same way and to the same extent that he does now in every other State of the Union. What follows? Why, sir, if he shuts up the ports of entry so that a ship cannot discharge her cargo there or get papers for another voyage, then ships will cease to trade; or, if he undertakes to blockade her, and thus collect it, she has not gained her independence by secession. What must she do? If she is contented to live in this equivocal state all will be well, perhaps; but she cannot live there. No people in the world could live in that condition. What will they do? They must take the initiative and declare war upon the United States; and the moment that they levy war force must be met by force; and they must, therefore, hew out their independence by violence and war. There is no other way under the Constitution that I know of whereby a Chief Magistrate of any politics could be released from this duty. If this State, though seceding, should declare war against the United States, I do not suppose there is a lawyer in this body but what would say that the act of levying war is treason against the United States. That is where it results. We might just as well look the matter right in the face.

The Senator from Texas says we will force you to an ignominious treaty up in Faneuil Hall. Well, sir, you may. We know you are brave; we understand your prowess; we want no fight with you; but, nevertheless, if you drive us to that necessity, we must use all the powers of this Government to maintain it intact in its integrity. If we are overthrown we but share the fate of a thousand other governments that have been subverted. If you are the weakest, then you must go to the wall; and that is all there is about it.

On December 18 John J. Crittenden [Ky.] introduced a plan of compromise. This was:

1. The restoration of the Missouri Compromise, extending the line of demarcation between free and slave territory to the eastern boundary of California, with the proviso that a Territory on either side might come into the Union free or slave as its people voted.

2. That the Constitution be amended to prohibit abolition of slavery in the District of Columbia so long as slavery existed in Maryland and Virginia, or prohibit it in places under the federal jurisdiction which were situated in slave States.

3. That the Senate shall declare that the Fugitive Slave

Law is constitutional, and that no amendment shall be made to it which shall impair its efficiency.

4. That the proposed and the existing amendments to the Constitution in regard to slavery be declared unalterable.

5. That laws be passed to make effectual the prohibition of the slave trade.

6. That the Senate recommend to the State legislatures to repeal the personal liberty laws impeding the execution of the Fugitive Slave Act.

Senator Crittenden pleaded with the Senators to rise above partisanship and sectional interest and to legislate for the Union.

The great difficulty, sir—particularly with the gentlemen from the North—is the admission of this line of division for the territory, and the recognition of slavery on the one side, and the prohibition of it on the other.

Now, gentlemen of the North, in view of the great events which are present before you, and of the mighty consequences which are just now to take effect, is it not better to settle the question by a division upon the line of the Missouri Compromise? For thirty years we lived quietly and peacefully under it. Our people, North and South, were accustomed to look at it as a proper and just line. Can we not do so again? You can give increased stability to this Union; you can give it an existence, a glorious existence, for great and glorious centuries to come, by now setting it upon a permanent basis, recognizing what the South considers as its rights; and this is the greatest of them all. Is it not the cheapest price at which such a blessing as this Union was ever purchased? You think, perhaps, or some of you, that there is no danger, that it will but thunder and pass away. Do not entertain such a fatal delusion. I tell you it is not so. I tell you that as sure as we stand here disunion will progress. I fear it may swallow up even old Kentucky in its vortex—as true a State to the Union as yet exists in the whole Confederacy—unless something be done.

History is to record us. Is it to record that, when the destruction of the Union was imminent; when we saw it tottering to its fall; when we saw brothers arming their hands for hostility with one another, we stood quarreling about points of party politics. While we stand thus, showing our inferiority to the great and mighty dead, the country may be destroyed and ruined; and to the amazement of all the world the great Repub-

lic may fall prostrate and in ruins, carrying with it the very hope of that liberty which we have heretofore enjoyed; leaving behind, in place of the peace we have enjoyed, nothing but revolution and havoc and anarchy. Can it be that our name is to rest in history with this everlasting stigma and blot upon it?

Sir, I wish to God it was in my power to preserve this Union by agreeing to give up every conscientious opinion I hold. I might not be able to discard it from my mind; I am under no obligation to do that. I may retain the opinion, but if I can do so great a good as to preserve my country and give it peace, and its institutions and its Union stability, I will forego any action upon my opinions. Well, now, my friends [addressing the Republican Senators], that is all that is asked of you. Consider it well, and I do not distrust the result. As to the rest of this body, the gentlemen from the South, I would say to them, can you ask more than this? Are you bent on revolution, bent on disunion? God forbid it. I cannot believe that such madness possesses the American people. I can speak with confidence only of my own State. Old Kentucky will be satisfied with it, and she will stand by the Union and die by the Union if this satisfaction be given. Nothing shall seduce her. The clamor of no revolution, the seductions and temptations of no revolution, will tempt her to move one step. She has stood always by the side of the Constitution; she has always been devoted to it, and is this day. Give her this satisfaction, and I believe all the States of the South that are not desirous of disunion as a better thing than the Union and the Constitution will be satisfied and will adhere to the Union, and we shall go on again in our great career of national prosperity and national glory.

Senator Hale.—I listened last week, with a good deal of pleasure, to the long, able, erratic speech of the distinguished Senator from Texas [Mr. Wigfall]. If it had no other merit—and I do not mean to say that it had not a great many others—it was explicit. What he wants is that we, Northern men representing the successful party, go home and teach our people certain things.

I have also listened to the honorable Senator from Kentucky [Mr. Crittenden] to-day; and from my recollection of the speech of the honorable Senator from Texas, and comparing it with that of the honorable Senator from Kentucky to-day, I should judge, as the old theologians say, that they do not belong to the same "see" of politics. The demands which are put forth to-day as being sufficient to produce quiet, restore harmony, and preserve "this glorious Union" are of an entirely different character

from those proposed by the honorable Senator from Texas. The honorable Senator from Texas spoke for the Union wing of his party. My desire is to know which of these two distinguished Senators represents the demands that are to be made upon our people at home in order to secure this Union; because it has been said, and well said, that we cannot do it here; it must be done by our people. Well, sir, in the communication which I have with the people that I represent, when I talk to them and represent to them that, if they accede to the propositions and demands made by the honorable Senator from Kentucky to-day, the Union may be preserved and harmony restored, and some one then gets up and flings in my face the eloquent speech of the Senator from Texas, altogether different in its demands, and covering a vastly broader field of concession, I want to know whether then I may be permitted to say, "the honorable Senator from Kentucky represents the real, genuine, *bona fide* sentiments of the Union-loving people of the South; and the honorable Senator from Texas, where he differs from him, does not"; or shall I be compelled to say that the patriotic effusion of the honorable Senator from Kentucky is simply the effusion of his own benevolent and patriotic heart, but does not embody the demands and sentiments of the Southern people, and that they are more correctly presented in the speech of the honorable Senator from Texas?

After we have got an answer from the Union Senators on that side of the Chamber, if there are any disunionists I should like to hear from them; and I should like to know whether those that favor disunion are willing to abide by the conditions which have been announced by one of the Union members from that side—I refer to the honorable Senator from Texas.

Willard Saulsbury [Del.].—I am one of the Union Senators on this floor; and my State is in favor of the preservation of the Union. I, for one, am willing to accept the proposition presented by the Senator from Kentucky. I now ask the Senator from New Hampshire whether he will recommend the adoption of the propositions submitted by the Senator from Kentucky to his people, provided he is assured that that will preserve the Union of the States?

Senator Hale.—I was inquiring for information; and the honorable Senator from Delaware must have misunderstood my interrogatory, because I said that the honorable Senator from Texas had represented himself as one of the strongest Union men on that side of the Chamber, and I desired to hear from the disunionists, if there were any such.

Senator Crittenden's resolutions were referred to the Powell Committee of Thirteen.

Andrew Johnson [Tenn.] also proposed, as a solution of the present difficulties, certain amendments to the Constitution, guaranteeing that the rights of the States, especially in regard to slavery, would not be interfered with. He said:

Conceding, for argument's sake, the doctrine of secession, and admitting that the State of South Carolina is now upon your coast, a foreign power, absolved from all connection with the Federal Government, out of the Union; what then? There was a doctrine inculcated in 1823, by Mr. Monroe, that this Government, keeping in view the safety of the people and the existence of our institutions, would permit no European power to plant any more colonies on this continent. Now, suppose that South Carolina is outside of the Union, and this Government is in possession of the fact that she is forming an alliance with a foreign power—with France, with England, with Russia, with Austria, or with all of the principal powers of Europe; that there is to be a great naval station established there; an immense rendezvous for their army, with a view to ulterior objects, with a view of making advances upon the rest of these States; let me ask the Senate, let me ask the country, if they dare permit it? Under and in compliance with the great law of self-preservation we dare not let her do it; and if she were a sovereign power to-day, outside of the Union, and was forming an alliance that we deemed inimical to our institutions, and the existence of our Government, we should have a right to conquer and hold her as a province—a term which is so much used with scorn.

Can any one believe that, in the creation of this Government, its founders intended that it should have the power to acquire territory and form it into States, and then permit them to go out of the Union?

Take the case of Louisiana. What did we pay for her in 1803, and for what was she wanted? Just to get Louisiana into the Union? Just for the benefit of that particular locality? Was not the mighty West looked to? Was it not to secure the free navigation of the Mississippi? Yes, the navigation of that river was wanted. Simply for Louisiana? No, but for all the States. The United States paid $15,000,000, and France passed the country to the United States. It remained in a territorial condition for a while, sustained and protected by the strong arm

of the Federal Government. And now that this great valley is filled up; now that the navigation of the Mississippi is one hundred times more important to the nation than it was then; it is proposed that Louisiana shall go out of the Union! In 1815, when her shores were invaded; when her city was about to be sacked; when her booty and her beauty were about to fall a prey to British aggression, the brave men of Tennessee, and of Kentucky, and of the surrounding States, rushed into her borders and, under the lead of their own gallant Jackson, drove the invading forces away. And now, after all this, Louisiana says to the other States, "We will go out of this Union; we do not care if you did fight our battles; we do not care if you did acquire the free navigation of this river from France; we will go out if we think proper, and constitute ourselves an independent power, and bid defiance to the other States." It is an absurdity; it is a contradiction; it is illogical; it is not deducible from the structure of the Government itself.

JOHN SLIDELL [La.].—I wish to say to the Senator that I do not know a citizen of any Southwestern State bordering on the Mississippi who does not acknowledge the propriety and necessity of extending to every citizen of the country whose streams flow into the Mississippi the free navigation of the river and the free interchange of all of the agricultural products of the valley of the Mississippi. Such a course is dictated not only by every consideration of justice, but by the recognized and well-understood interests of the Southwestern States. On this point I can speak with entire confidence of the sentiment of Louisiana.

SENATOR JOHNSON.—That may all be very true; and I do not suppose that, at this moment, there is a citizen in the State of Louisiana who would think of obstructing the free navigation of the river; but are not nations controlled by their interests in varying circumstances? It strikes me so; and hereafter, when a conflict of interest arises; when difficulty may spring up between two separate powers, Louisiana, having the control of the mouth of the river, might feel disposed to tax our citizens going down there. It is a power that I am not willing to concede to be exercised at the discretion of any authority outside of this Government.

Senator Johnson then read extracts from the speeches of Governor Gist and Representative Keitt of South Carolina [see page 270] to show the proposed policy of that State to force the border States into the Confederacy.

We are told that certain States will go out and tear this accursed Constitution into fragments, and drag the pillars of this mighty edifice down upon us, and involve us all in one common ruin. Will the border States submit to such a threat? No. If they do not come into the movement the pillars of this stupendous fabric of human freedom and greatness and goodness are to be pulled down, and all will be involved in one common ruin. Such is the threatening language used. "You shall come into our confederacy, or we will coerce you to the emancipation of your slaves." That is the language which is held toward us.

We in the South have complained of and condemned the position assumed by the Abolitionists. We have complained that their intention was to hem slavery in, so that, like the scorpion when surrounded by fire, if it did not die from the intense heat of the scorching flames, it would perish in its own poisonous skin. Now, our sister, without consulting her sisters, without caring for their interest or their consent, says that she will move forward; that she will destroy the Government under which we have lived, and that hereafter, when she forms a government or a constitution, unless the border States come in, she will pass laws prohibiting the importation of slaves into her State from those States, and thereby obstruct the slave trade among the States, and throw the institution back upon the border States, so that they will be compelled to emancipate their slaves upon the principle laid down by the Abolition party. That is the rod held over us!

I tell our sisters in the South that so far as Tennessee is concerned she will not be dragged into a Southern or any other confederacy until she has had time to consider; and then she will go when she believes it to be her interest, and not before. I tell our Northern friends, who are resisting the execution of the laws made in conformity with the Constitution, that we will not be driven on the other hand into their confederacy, and we will not go into it unless it suits us, and they give us such guaranties as we deem right and proper. We say to you of the South we are not to be frightened and coerced. Oh, when one talks about coercing a State, how maddening and insulting to the State; but, when you want to bring the other States to terms, how easy to point out a means by which to coerce them! But, sir, we do not intend to be coerced.

There are many ideas afloat about this threatened dissolution, and it is time to speak out. The question arises in reference to the protection and preservation of the institution of slavery, whether dissolution is a remedy or will give to it pro-

tection. I avow here, to-day, that if I were an Abolitionist, and wanted to accomplish the overthrow and abolition of the institution of slavery in the Southern States, the first step that I would take would be to break the bonds of this Union, and dissolve this Government. I believe the continuance of slavery depends upon the preservation of this Union and a compliance with all the guaranties of the Constitution. I believe an interference with it will break up the Union; and I believe a dissolution of the Union will, in the end, though it may be some time to come, overthrow the institution of slavery. Hence we find so many in the North who desire the dissolution of these States as the most certain and direct and effectual means of overthrowing the institution of slavery.

What protection would it be to us to dissolve this Union? What protection would it be to us to convert this nation into two hostile powers, the one warring with the other? Whose property is at stake? Whose interest is endangered? Is it not the property of the border States? Yes; slavery would commence to retreat southward the very moment this Government was converted into hostile powers, and you made the line between the slaveholding and non-slaveholding States the line of division.

Then what remedy do we get for the institution of slavery? Must we keep up a standing army? Must we keep up forts bristling with arms along the whole border? This is a question to be considered, one that involves the future; and no step should be taken without mature reflection.

Again: if there is one division of the States, will there not be more that one? I heard a Senator say the other day that he would rather see this Government separated into thirty-three fractional parts than to see it consolidated. I am opposed to the consolidation of Government, and I am as much for the reserved rights of States as any one; but, rather than see this Union divided into thirty-three petty governments, with a little prince in one, a potentate in another, a little aristocracy in a third, a little democracy in a fourth, and a republic somewhere else; a citizen not being able to pass from one State to another without a passport or a commission from his government; with quarreling and warring among the little petty powers, which would result in anarchy; I would rather see this Government to-day converted into a consolidated government. It would be better for the American people; it would be better for our kind; it would be better for humanity; better for Christianity; better for all that tends to elevate and ennoble man, than breaking up this splendid, this magnificent, this stupendous fabric of human

government, the most perfect that the world ever saw, and which has succeeded thus far without a parallel in the history of the world.

I tell our Northern friends that the constitutional guaranties must be carried out; for the time may come when, after we have exhausted all honorable and fair means, if this Government still fails to execute the laws, and protect us in our rights, it will be at an end. Gentlemen of the North need not deceive themselves in that particular; but we intend to act in the Union and under the Constitution, and not out of it. We do not intend that you shall drive us out of this house that was reared by the hands of our fathers. It is our house. We have a right here; and because you come forward and violate the ordinances of this house I do not intend to go out; and if you persist in the violation of the ordinances of the house we intend to eject you from the building and retain the possession ourselves.

Joseph Lane [Ore.].—The Senator from Tennessee is concerned about the navigation of the Mississippi River. He says that the great State of Tennessee and he, himself, are concerned about the navigation of that river. I believe it is recognized as the law of nations, as the law of all civilized nations, that a great inland sea running through several governments shall be open equally to all of them; and, besides, as the honorable Senator from Louisiana said, there is no man in Louisiana that would think for a moment of depriving Tennessee of the right of navigating that great river. No, sir, nor Kentucky, either, nor Indiana, nor Illinois, nor any other State whose waters flow into that mighty stream. No such thing would ever be done. On the contrary, if they should go out of the Union—and that is not a matter for me to decide—I am sure that comity and good faith and proper regulations would exist and prevail between them and all the powers owning territory upon that great river.

Indeed, sir, if a dissolution of this Union shall take place I look to the day when every one of those great Northwestern States shall become a portion of that Southern confederacy. They will not remain with that portion of this country that has agitated this question in season and out of season, in the schoolhouse, and in the church, until they have poisoned the Northern mind. I have no idea that they will remain with the people that have brought so much trouble on so great a country as this. They would say, "you of the South have never attempted to encroach on the rights of any Northern State; you have never said that a State shall not come in without slavery; you have always voted to bring in free States; you have been just in all things;

you have stood by the Constitution, and we can risk you; but we cannot risk these agitators and fanatics who have brought all this trouble upon the land."

On December 20 the Vice-President, John C. Breckinridge [Ky.] announced the names of those whom he had appointed on the Committee of Thirteen. Senator Powell was appointed chairman.

On the same day George E. Pugh [O.] replied to his colleague, Senator Wade.

My colleague seems to imagine it the duty of the President, under his oath of office, to precipitate our whole country into civil war. He said that the President had sworn not to know that any State had seceded, or attempted to secede. Well, sir, I should like to be informed whereabouts an affidavit of such ignorance has been recorded. I am not advised of anything like it. The President is under obligation, assuredly, to execute the laws of the land; but can we not suspend the execution of any law upon the statute-book? Can we not suspend it for a week, or a month, or six months, or six years, if the attempt to execute it, by force of arms, will provoke interminable war? In this regard, also, I commend the counsels of John Quincy Adams. He did not imagine, while he occupied the presidential chair, that he was under any obligation to provoke, or to accept, such dire extremity. He did not believe that the Constitution of the United States bound him, inevitably, to precipitate the country into civil war. On the contrary, in his special message of February 5, 1827, on the case of surveys of public lands ordered by the Georgia legislature in opposition to the authority of Congress, Mr. Adams said:

> Intimations had been given the surveyors that, should they meet with interruption, they would, at all hazards, be sustained by the military force of the State; in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict must have ensued, which would, in itself, have inflicted a wound upon the Union, and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet at the same time impressed with the deepest conviction of my own duty to take care that the laws shall be executed, and the faith of the nation preserved, I have used of the means intrusted to the Executive for that purpose only those which, without resorting to military force, may vindicate the sanctity of the law by the ordinary agency of the judicial tribunals."

And yet, sir, that was a case in which the Government was striving to maintain the plighted faith of a treaty, as against

infraction by one of the States. When my colleague, or the Senator from Tennessee, assumes, therefore, to treat the act of persons bearing the commission of South Carolina as if it were only the act of individuals, I entreat them to consider the pertinent suggestions of Mr. Adams in a similar case. Such acts cannot be viewed as the acts of individual and solitary transgressors, but as the acts of persons obeying the mandates of a sovereignty, and to an extent (which they believe, at least) it is binding upon them.

It will end in war; begin as it may, it will end in war. This idea of my colleague, that the Constitution of the United States, *ex proprio vigore*,[1] compels the Executive, and even compels Congress, to engage in hostilities with a part of our own people; it is amazing to me, and utterly revolting. Why, sir, we have absolute discretion whether to declare war or to maintain peace in regard to foreign nations. If our citizens are abused, if our territory is invaded, or even possessed, by hostile array, we, the Congress of the United States, consisting of a Senate and a House of Representatives, may, if we deem it essential to our own interests, decline to authorize hostilities. Does any one deny that? Why, then, are we told that we have not as much liberty in deciding questions of war and peace with our fellow-citizens in South Carolina as in deciding such questions with foreign nations—a war, too, in which, if my colleague be right, the unfortunate captives are not to be treated as we treat prisoners of another nation, but are to be executed in the most ignominious manner? Mr. President, I have not words to express my abhorrence of such a conclusion.

It is the lesson of history that whenever a man would commit some atrocity without being responsible to his own conscience he styles it doing God service. Persecutors, in all time, have burned or slain the body of their victim in order, as they alleged, to save his soul. What no Senator would do, upon his own responsibility, or from his own inclination—draw the sword upon a whole community of our people, scatter desolation and carnage throughout a State which, be her conduct ever so unjustifiable, has, at least, some cause of complaint—must it occur as if by the inexorable laws of fate? Where, in our senatorial oath, can such an obligation be distinguished? No, sir; we cannot avoid the responsibility of such calamities, if they should occur, by charging it upon the Constitution of the United States, or upon our oath of office. We will be responsible for bloodshed, for civil war, for anarchy, if we do not avoid them. We can

[1] "Of its own force."

avoid them; but our responsibility we cannot avoid—responsibility to God and our country, and to all the civilized world.

Mr. President, I am for peace, and not for war; least of all, for a war so unnatural as this would be. I am for conciliation; and therefore, in good faith, will stand at the side of my honorable friend from Kentucky [Mr. Crittenden] and earnestly endeavor to keep the door of compromise open as long as possible. Others may debate the abstract right, as they call it, of a State to secede; but my voice shall not engage in a clamor so dreadful. I esteem the path I have chosen to be the path of safety for all the States, and therefore the path of wisdom; not, indeed, that wisdom by which the people are sometimes betrayed, under specious phrases and soft pretexts, to their own ruin, kindling their hearts with hatred, and staining their hands with blood; but that wisdom founded upon humane thoughts, by which nations continue to flourish and long maintain their liberties. I am opposed to the scheme, under what name soever disguised, of plunging our country into the abyss of violence, anarchy, and fatal dismemberment.

Senators, I did hope, fondly hope, that instead of refusing to accept terms of conciliation and honorable compromise; instead of madly provoking whole States and millions of people to what some of you call treason and rebellion; instead of giving them and ourselves to destruction upon the fatal conceit that our oaths to support the Constitution of the United States do not even allow us to pause in the presence of an unexampled crisis, we should all have agreed, ere this, in the adoption of measures calculated to stay the alarm which now pervades the country, and threatens our Union with perpetual overthrow. There is yet time; but time is very precious. Let us determine, first of all, that we will have no war, no bloodshed, if we are able in any manner to avoid it. War is no remedy in such a case; it is always a horrible visitation—horrible when waged for the best and holiest cause; but horrible indeed, and inexpressibly wicked, when waged without any cause, and by one portion of our people against another. Let us not hesitate to suspend the execution of whatever laws cannot be executed, at present, without violence; submit, if necessary, to a diminution of revenue; and thus, or further, if necessary, through acts of generous confidence, avoid all dangers of collision between Federal and State authorities, soothe apprehension everywhere, and be enabled calmly to proceed, by constitutional amendment, to the duty of securing forever the Union we shall have rescued, and ultimately restored, if not absolutely preserved.

If my colleague has truly expressed the determination of his and my constituents I shall esteem it no loss, but an eminent and glorious distinction, to retire from public service while the flag of the Union yet floats above this Capitol, and calls together, in annual session, the embassadors and representatives of thirty-three independent, free, and equal sovereignties. Let me, at least, no more frequent this palace after its proud genius shall have departed; lest where now, in niche and upon column, or station, or pediment, I behold the sculptured effigies of past glory, there blaze forth, as by some horrible enchantment, from stony eyes and distorted features, the demon of discord and fraternal strife; while, instead of gorgeous inscriptions to the Union displayed on every side—above, beneath, and around—I see only the fingers of a man's hand writing over against the candlestick, upon the plaster of the wall, such dreadful words as pronounced the doom of Babylon:

"God hath numbered thy kingdom, and finished it; thou art weighed in the balances, and art found wanting; thy kingdom is divided, and given to the Medes and Persians."

Alfred O. P. Nicholson [Tenn.] replied to his colleague, Senator Johnson, and to Senator Wade. He charged upon the Republican party all responsibility for the enmity felt at the South against the North. All that the South has to rest upon, he said, is the professions of a sectional party whose general principle is to disregard the rights of the States other than their own. If this party gains control of the Government they will abolish slavery in the District of Columbia, the Federal arsenals, dockyards, etc., in the South, and will refuse to admit new slave States. The trouble is not so much that the Fugitive Slave Law is not enforced or that the equality of the States is denied, but that a *principle* is laid down which denies the title of Southern men to property which they claim under the Constitution, and which thus strikes at the very root of the whole Southern social organization. In view of this he claimed that the only safety for the South in the Union was to demand constitutional guaranties against encroachments on slavery and for protecting slavery in the States where it existed. The border States in particular would meet in consultation and present to the North the demands agreed upon, such as the recognition of property in slaves and the right to

take them to the Territories. But, from the course of the Republican leaders, he had little hope that these demands would be recognized.

He argued that any resort to force by the Federal Government against South Carolina was equivalent to a declaration of war against the *people* of that State, and that this was not warranted, since, whatever their individual opinions might be about the right or expediency of secession, they were bound to obey the acts of their constituted authorities who had taken the State out of the Union and released them from all allegiance to any other sovereignty if any such other sovereignty, indeed, had ever existed.

He drew a picture of the horrors of civil war, and therefore urged calmness and consideration on the part of the South, expressing the hope of a more perfect union at no distant day.

On December 27 James R. Doolittle [Wis.] spoke in reply to Senator Lane.

Mr. President, the Senator from Oregon [Mr. Lane] seemed to complain with great feeling that the Republican party were denying the equality of the States in the Territories of the Union, purchased with common blood and common treasure. Now, sir, I stand here to say that, if the Constitution of the United States gives to the slaveholder the right to carry slaves as property into the Territory, it follows, of necessity, that he has a right to have his property protected there. I will not admit a right and at the same time deny the remedy. But I deny the right altogether, in the Mexican territories, under the Constitution, as construed by the Dred Scott case even. You must consent to allow free Territories to remain free. We stand pledged not to interfere, directly or indirectly, with your institutions in the States where they exist. Upon these grounds we can have peace—permanent, perpetual peace.

Albert G. Brown [Miss.] replied to Senator Doolittle.

The Senator from Wisconsin said that the Republican policy was to do perfect justice to the South, and to give them equal privileges with themselves; and that they would not deprive the South of anything but what they deprived themselves of. That

looks very fair in its presentation. I desire to illustrate his mode, if he will allow me. It reminds me of the fable written by Æsop. The fox invited the stork to dine with him. The stork has a very long bill. The fox had nothing but soup, and it was spread out on a flat dish. Said the fox: "Perfect equality, Mr. Stork; help yourself." The stork could not get a mouthful; and the fox lapped it all up. The next day the stork said: "Come over, Mr. Fox, and dine with me." The fox went. The stork had had mince meat put in long-necked jars; and said he: "Mr. Fox, perfect equality; I do not want to deprive you of anything but what I deprive myself of; help yourself." The fox could not get a single mouthful and the stork put in his long bill and ate it all up. And so it is with the principles the Senator seeks to establish and spread over the Territory. He does not want to deprive us of anything but what he would deprive himself of; still, he establishes a rule which he knows no Southern man will submit to, and which will exclude every Southern man.

My friend, the Senator from Vermont [Jacob Collamer], said: "Our object in it is to surround you; to cramp in slavery; to put a cordon of free States around it, so that you will be forced to emancipate your slaves." The object of the free-soil movement, and the only motive that actuates you in advocating it to-day, is, that you may force us to emancipate the slaves. And how? Either to make them unprofitable or dangerous; one or the other of which, you think, will induce us to liberate them and turn them loose.

Now, Mr. President, this is not right, as brethren of the same Confederacy. We were known to be slaveholding States. All but one held slaves and why should we be excluded from the common territory, bought with a common treasure, defended by the common army, and as many brave men from the one section as the other? When it is thus acquired, ought any rule to be established which would be like the invitation of the fox to the stork to dine with him; to say to us, it is perfect equality?

I contend for the right of a State to secede. The pretext, or the justification, or the reason for her secession is a matter for herself to judge, not for me. The Senator from Wisconsin is a little at fault when he says to contend for the right of secession admits the right of expulsion. Secession results from the fact that they are in by consent and can go out by consent. Expulsion would be against consent, and is just the opposite of the principle of secession.

Senator Doolittle.—The Senator from Missouri compares

what I said to the invitation of the fox to the stork to come to the feast. Let us look into history a little and see. Sir, we acquired Florida: which was the fox and which was the stork at that feast? We acquired the Louisiana Territory, and gave you two-thirds of all the good land there. Who had the advantage when invited to that entertainment? After you had got your full share, and we were about to enjoy that portion which was expressly reserved for us, just as we were ready to partake of it and enjoy it—what then? You snatched at it and undertook to take it from us by force.

On December 31 the Committee of Thirteen reported that they had not been able to agree on any general plan of adjustment of the difficulties between the two sections of the country.

Judah P. Benjamin [La.] then declared that, owing to an irreconcilable difference of opinion on the constitutional relation of the States to the Federal Government it would be impossible to form any such plan.

Gentlemen deny that a citizen of South Carolina is bound to obey the orders of his Government. To that I reply, in the language of Vattel, that no citizen of any State has the right to question that; that it is a principle of the law of nations that the citizen owes obedience to the command of his sovereign, and he cannot enter into the question whether the sovereign's order is lawful or unlawful, except at his peril. If his sovereign engages in war—if his State declares her independence—he is bound by the action of his State, and has no authority to control it. Why, Mr. President, how idle and absurd would be any other proposition! How idle and absurd to suppose that you can, in principle and in practice, separate each particular individual of a State and make him responsible for the collective act of his Government—each agent in turn.

Sir, if there was anything in this idea in theory, you might reduce it to practice; but what can be more absurd, more vague, more fanciful than the suggestions put out by gentlemen here? You are going now, observe, to declare no war and to coerce no State; you are simply going to execute the laws of the United States against individuals in the State of South Carolina. That is your proposition. Is it serious? One gentleman says he will hang for treason. Ah, where is the marshal to seize, and where is the court to try, where is the district attorney to prosecute, and where is the jury to convict? Are you going to establish

all these by arms? Perhaps you will tell me you will remove him elsewhere for trial. Not so; our fathers have not left our liberties so unguarded and so unprotected as that. The Constitution originally provided that no man could be brought to trial for an offence out of the State where he committed it. The fathers were not satisfied with it, and they added an amendment that he should not be brought to trial out of the district even in which he had committed it. You cannot take him out of the district. You have got no judge, no marshal, no attorney, no jurors there; and, suppose you had, who is to adjudge, who is to convict? His fellow-citizens, unanimous in opinion with him, determine that he has done his duty and has committed no guilt. That is the way you are going to execute the laws against treason!

What next? Oh, no, says the Senator from Ohio [Mr. Wade], that is what we will do; we will execute the laws to collect revenue by blockading your ports and stopping them up. At first blush this seems a very amusing mode of collecting revenue in South Carolina, by allowing no vessels to come in on which revenue can be collected. It is the strangest of all possible fancies that that is the way of collecting revenue there, of enforcing the laws in the State against individuals. But first you are to have no war. And what is blockade? Does any man suppose that blockade can exist by a nation at peace with another; that it is a peace power; that it can be exercised on any other ground than that you are at war with the party whose ports you blockade; and that you make proclamation to all the governments of the earth that their vessels shall not be authorized to enter into these ports because you are reducing your enemy by the use of regularly constituted, recognized, warlike means? Oh, but perhaps it is not a blockade that you will have; you will have an embargo, that is what you mean. We are guarded here again. The Constitution heads you off at every step in this Quixotic attempt to go into a State to exercise your laws against her whole citizens without declaring war or coercing the State. You cannot embargo the ports of one State without embargoing all your ports; you cannot shut up one without shutting up all; the Constitution of the United States expressly forbids it. If your blockade or your embargo were a peaceful measure, you are prohibited by the very words of the Constitution itself from forcing a vessel bound to or from one State to enter or clear or pay duties in another, or from making any regulations of commerce whatever, giving any preference to the ports of one State over the ports of another;

and you have no more right to blockade or close the ports of South Carolina by embargo, even by act of Congress, than you have to declare that a sovereign State shall have no right to have more than one Senator on this floor. Your blockade is impracticable, unconstitutional, out of the power of the President.

What is this idea of executing the laws by armed force against individuals? Gentlemen seem to suppose—and they argue upon the supposition—that it is possible, under the Constitution of the United States, for the President to determine when laws are not obeyed and to force obedience by the sword, without the interposition of courts of justice. Does any man have such an idle conceit as that? Does he suppose that, by any possible construction, the power of the Federal Congress to call out the militia and to use the army and the navy to suppress insurrection and to execute the laws, means that the President is to do it of his own volition and without the intervention of the civil power? The honorable Senator from Tennessee [Mr. Johnson] the other day called upon us to look at the example of Washington, who put down rebellion in Pennsylvania. He said well that he was no lawyer when he cited that General Washington called forth the militia of Pennsylvania and of other States to aid in executing the laws, upon a requisition by a judge of the Supreme Court of the United States certifying to him that the marshal was unable to carry out the judgments of the court.

Senator Johnson.—I understood that very well.

Senator Benjamin.—Then what on earth do you mean by saying that you will go into a State and execute the laws of the United States against individuals without a judge or jury there, without a marshal or attorney, with nobody to declare the violation of law, or to order its execution before you attempt to enforce it? The Senator may not have intended to assume such a position. He has been unfortunate in the impressions that he has produced upon the country.

But, sir, other means are suggested. We cannot go to war; we are not going to war; we are not going to coerce a State. "Why," says the Senator from Illinois [Mr. Douglas], "who talks of coercing a State; you are attempting to breed confusion in the public mind; you are attempting to impose upon people by perverting the question; we mean to execute the laws only against individuals." Again, I say, where will be the civil process which must precede the action of the military force? Surely, surely it is not at this day that we are to argue that

neither the President nor the President and Congress combined are armed with the powers of a military despot to carry out the laws, without the intervention of the courts, according to their own caprice and their own discretion, to judge when laws are violated, to convict for the violation, to pronounce sentence, and to execute it. You can do nothing of the kind with your military force.

But it is suggested, and the President is weak enough to yield to the suggestion, that you will collect your revenue by force —by the action of the power of the Federal Government on individuals. Has anybody followed this out practically? Is it possible?

You will put your collector on board of a man-of-war in the harbor; and there you will make everybody pay duties before the goods are landed. That is the next proposition, that nobody sees any practical difficulty about. But, sir, it is totally impracticable—totally impossible. Take a case. A citizen of New York owns a vessel which loads with a cargo of assorted merchandise, part free, part owing duty, and consigns it to Charleston. He enters the harbor. Under the law he is obliged to make entry of his vessel, to produce his manifest, to go through certain other formalities. He goes on board your ship-of-war, sees the collector, and complies with the orders. What next? There are no duties paid yet, and the man who has a right to the free goods has no duties to pay. You cannot prevent him from going to the wharf and discharging them. There is no law to be executed there against an individual. But I will take it for granted that the whole cargo is a duty-paying cargo, and all belongs to one man, who does not mean to pay your duties. You are no better off. The man declines to enter his cargo. What is the law? The master of the vessel wants to go away. He is entitled by law to report to the collector that he is ready to deliver his cargo, that nobody is there to enter it, and that he demands that his cargo be discharged, and put in public store; and, under that, he may go upon his new voyage; and you cannot change that, unless you change the law for all the ports of the United States. Or he may go further: the importer may go to the collector and say: "I want to enter my cargo in warehouse"; and he gives a bond signed by himself and a solvent fellow-citizen, that they will pay the duty when he takes the goods out of the warehouse. Then you must let him put those goods into the custom-house warehouse; and you cannot change that law either, without changing it for the whole United States; because you cannot, under the Constitution, by any regulation of

commerce, give any preference to the ports of one State over those of another.

Mind you, you are at peace; you are not coercing a State; you are merely executing the laws against individuals! You cannot do it without breaking up your whole warehouse system; you cannot do it without breaking up your whole commercial system in every port of the Confederacy. Your goods are ashore; they are in Government warehouses; but you have not got the duties. A rush upon the warehouse and the goods are taken out. You have got a bond, but you have no court to sue it in; and, if you had, you would have no jury to forfeit it, because the jury would be told by the court, or, at all events, by the lawyers who defended the defendant, that the Government had no right to collect that bond; that it was a usurpation which required him to give the bond.

This whole scheme, this whole fancy, that you can treat the act of a sovereign State, issued in an authoritative form, and in her collective capacity as a State, as being utterly out of existence; that you can treat the State as still belonging collectively to the Confederacy, and that you can proceed, without a solitary Federal officer in the State, to enforce your laws against private individuals is as vain, as idle, and delusive as any dream that ever entered into the head of man. The thing cannot be done. It is only asserted for the purpose of covering up the true question, than which there is no other: you must acknowledge the independence of the seceding State, or reduce her to subjection by war.

Now, Mr. President, I desire not to enter in any detail into the dreary catalogue of wrongs and outrages by which South Carolina defends her position; that she has withdrawn from this Union because she has a constitutional right to do so, by reason of prior violations of the compact by her sister States.

The wrongs under which the South is now suffering, and for which she seeks redress, seem to arise chiefly from a difference in our construction of the Constitution. You, Senators of the Republican party, assert, and your people whom you represent assert, that, under a just and fair interpretation of the Federal Constitution, it is right that you deny that our slaves, which directly and indirectly involve a value of more than four thousand million dollars, are property at all, or entitled to protection in Territories owned by the common Government. You assume the interpretation that it is right to encourage, by all possible means, directly and indirectly, the robbery of this property, and to legislate so as to render its recovery as difficult

and dangerous as possible; that it is right and proper and justifiable, under the Constitution, to prevent our mere transit across a sister State, to embark with our property on a lawful voyage, without being openly despoiled of it. You assert, and practice upon the assertion, that it is right to hold us up to the ban of mankind in speech, writing, and print, with every possible appliance of publicity, as thieves, robbers, murderers, villains, and criminals of the blackest dye, because we continue to own property which we owned at the time that we all signed the compact; that it is right that we should be exposed to spend our treasure in the purchase, or shed our blood in the conquest, of foreign territory, with no right to enter it for settlement without leaving behind our most valuable property, under penalty of its confiscation. You practically interpret this instrument to me that it is eminently in accordance with the assurance that our tranquillity and welfare were to be preserved and promoted; that our sister States should combine to prevent our growth and development; that they should surround us with a cordon of hostile communities for the express and avowed purpose of accumulating in dense masses, and within restricted limits, a population which you believe to be dangerous, and thereby force the sacrifice of property nearly sufficient in value to pay the public debt of every nation in Europe.

This is the construction of the instrument that was to preserve our security, promote our welfare, and which we only signed on your assurance that that was its object. You tell us that this is a fair construction—not all, some say one thing, some say another; but you act, or your people do, upon this principle. You do not propose to enter into our States, you say, and what do we complain of? You do not pretend to enter into our States to kill or destroy our institutions by force. Oh, no. You imitate the faith of Rhadamistus, who, according to Tacitus's account, having sworn to Mithridates that he would not employ either poison or steel against him, caused him to be smothered under a heap of clothes. You propose simply to close us in an embrace that will suffocate us. You do not propose to fell the tree; you promised not. You merely propose to girdle it, that it dies. And then, when we tell you that we did not understand this bargain this way, that your acting upon it in this spirit releases us from the obligations that accompany it; that under no circumstances can we consent to live together under that interpretation, and say: "we will go from you; let us go in peace"; we are answered by your leading spokesmen: "Oh, no; you cannot do that; we have no objection to it personally,

but we are bound by our oaths; if you attempt it, your people will be hanged for treason. We have examined this Constitution thoroughly; we have searched it out with a fair spirit, and we can find warrant in it for releasing ourselves from the obligation of giving you any of its benefits, but our oaths force us to tax you; we can dispense with everything else; but our consciences, we protest upon our souls, will be sorely worried if we do not take your money.'" [Laughter.] That is the proposition of the honorable Senator from Ohio, in plain language. He can avoid everything else under the Constitution, in the way of secession; but how is he to get rid of the duty of taking our money he cannot see. [Laughter.]

Now, Senators, this picture is not placed before you with any idea that it will act upon any one of you, or change your views, or alter your conduct. All hope of that is gone. Our committee has reported this morning that no possible scheme of adjustment can be devised by them all combined. The day for the adjustment has passed. If you would give it now, you are too late.

And now, Senators, within a few weeks we part to meet as Senators in one common council chamber of the nation no more forever. We desire, we beseech you, let this parting be in peace. I conjure you to indulge in no vain delusion that duty or conscience, interest or honor, imposes upon you the necessity of invading our States or shedding the blood of our people. You have no possible justification for it. I trust it is in no craven spirit, and with no sacrifice of the honor or dignity of my own State, that I make this last appeal, but from far higher and holier motives. If, however, it shall prove vain, if you are resolved to pervert the Government framed by the fathers for the protection of our rights into an instrument for subjugating and enslaving us, then, appealing to the Supreme Judge of the universe for the rectitude of our intentions, we must meet the issue that you force upon us as best becomes freemen defending all that is dear to man.

What may be the fate of this horrible contest, no man can tell, none pretend to foresee; but this much I will say: the fortunes of war may be adverse to our arms; you may carry desolation into our peaceful land, and with torch and fire you may set our cities in flames; you may even emulate the atrocities of those who, in the war of the Revolution, hounded on the bloodthirsty savage to attack upon the defenceless frontier; you may under the protection of your advancing armies, give shelter to the furious fanatics who desire, and profess to desire, nothing more than to add all the horrors of a servile insurrection to the

calamities of civil war; you may do all this—and more, too, if more there be—but you never can subjugate us; you never can convert the free sons of the soil into vassals, paying tribute to your power; and you never, never can degrade them to the level of an inferior and servile race. Never! Never! [Loud applause in the galleries.]

Edward D. Baker [Ore.] replied to Senator Benjamin:

It is my purpose to reply, as I may, to the speech of the honorable and distinguished Senator from the State of Louisiana. I do so because it is, in my judgment at least, the ablest speech which I have heard, perhaps the ablest I shall hear, upon that side of the question, and in that view of the subject; because it is respectful in tone and elevated in manner; and because, while it will be my fortune to differ from him upon many, nay, most of the points to which he has addressed himself, it is not, I trust, inappropriate for me to say that much of what he has said, and the manner in which he has said it, have tended to increase the personal respect—nay, I may say the admiration—which I have learned to feel for him. And yet, sir, while I say this, I am reminded of the saying of a great man—Dr. Johnson, I believe—who, when he was asked for his critical opinion upon a book just then published, and which was making a great sensation in London, said: "Sir, the fellow who has written that has done very well what nobody ought ever to do at all."

The entire object of the speech is, as I understand it, to offer a philosophical and constitutional disquisition to prove that the Government of these United States is, in point of fact, no government at all; that it has no principle of vitality; that it is to be overturned by a touch; dwindled into insignificance by a doubt; dissolved by a breath; not by maladministration merely, but in consequence of organic defects, interwoven with its very existence.

But, sir, this purpose—strange and mournful in anybody, still more so in him—this purpose has a terrible significance now and here. In the judgment of the honorable Senator, the Union is this day dissolved; it is broken and disintegrated; civil war is a consequence at once necessary and inevitable. Standing in the Senate Chamber he speaks like a prophet of woe. The burden of the prediction is the echo of what the distinguished gentleman now presiding in that chair has said before—[Mr. Iverson in the chair]—"Too late! too late!" The gleaming and lurid lights of war flash around his brow even while he

speaks. And, sir, if it were not for the exquisite amenity of his tone and his manner, we could easily persuade ourselves that we saw the flashing of the armor of the soldier beneath the robe of the Senator.

My purpose is far different; sir, I think it is far higher. I desire to contribute my poor argument to maintain the dignity, the honor of the Government under which I live and beneath whose august shadow I hopè to die. I propose, in opposition to all that has been said, to show that the Government of the United States is in very deed a real, substantial power, ordained by the people, not dependent upon States; sovereign in its sphere; a union, and not a compact between sovereign States; that, according to its true theory, it has the inherent capacity of self-protection; that its Constitution is a perpetuity, beneficent, unfailing, grand; and that its powers are equally capable of exercise against domestic treason and against foreign foes. Such, sir, is the main purpose of my speech; and what I may say additional to this will be drawn from me in reply to the speech to which I propose now to address myself.

Sir, the argument of the honorable Senator from Louisiana is addressed first—I will not say mainly—to establish the proposition that the State of South Carolina, having, as he says, seceded, has seceded from this Union rightfully; and, sir, just here he says one thing, at least, which meets my hearty approval and acquiescence. He says he does not deem it—such is the substance of the remark—unwise or improper to argue the right of the case even now and here. In this I agree with him most heartily. Right and duty are always majestic ideas. They march an invisible guard in the van of all true progress; they animate the loftiest spirit in the public assemblies; they nerve the arm of the warrior; they kindle the soul of the statesman, and the imagination of the poet; they sweeten every reward; they console every defeat. Sir, they are of themselves an indissoluble chain which binds feeble, erring humanity to the eternal throne of God. I meet the discussion in that spirit. I defer to that authority. I observe, sir, first, that the argument of the gentleman, from beginning to end, is based upon the assumption that the Constitution of the United States is a compact between sovereign States. Arguing from thence, he arrives at the conclusion that, being so, a compact, when broken by either of the other States, or by the general Government, the creature of the Constitution, South Carolina or Louisiana may treat the compact as broken, the contract as rescinded; may withdraw peacefully from the Union, and resume her original condition.

I remark, next, that this proposition is in no wise new; and perhaps for that, as it is a constitutional proposition, it is all the better; and, again, the argument by which the honorable Senator seeks to maintain it is in no wise new in any of its parts. I have examined with some care the arguments hitherto made by great men, the echoes of whose eloquence yet linger under this dome; and I find that the proposition, the argument, the authority, the illustration are but a repetition of the famous discussion led off by Mr. Calhoun and growing out of the attempt of South Carolina to do before what she says she has done now.

Here the speaker opposed to Senator Calhoun's views those of James Madison in his letter of March 15, 1833, to Daniel Webster,[1] and of President Jackson and John Quincy Adams.

President Adams said:

Another mistake which (speaking with great deference) I think is obvious throughout the whole speech of the Senator from Louisiana, is the assumption, not only that the Constitution is a compact, but that the States parties to it are sovereigns. Sir, they are not sovereign; and this Federal Government is not sovereign. Paraphrasing the Mahometan expression, "there is but one God," I may say, and I do say, not without reverence, there is but one sovereign, and that sovereign is the people. The State government is its creation; the Federal Government is its creation; each supreme in its sphere; each sovereign for its purpose; but each limited in its authority, and each dependent upon delegated power. Why, sir, can that State—either Oregon or South Carolina—be sovereign which relinquishes the insignia of sovereignty, the exercise of its highest powers, the expression of its noblest dignities? Not so. We can neither coin money, nor levy impost duties, nor make war, nor peace, nor raise standing armies, nor build fleets, nor issue bills of credit. In short, sir, we cannot do—because the people, as sovereigns, have placed that power in other hands—many, nay, most, of those things which exhibit and proclaim the sovereignty of a State to the whole world. Mr. Webster has well observed that there can be in this country no sovereignty in the European sense of sovereignty. It is, I believe, a feudal idea. It has no place here. I repeat, we are not sovereign here. They are not sovereign in South Carolina; they are not, and cannot be in the nature of the case; and, therefore, all assumptions and all presumptions arising out of the proposition of sovereignty—supremacy

[1] For Madison's theory of State Rights see page 14ss.

upon the part of a State—are fallacies from beginning to end.

In arguing upon the meaning and import of the Constitution I had hoped that a lawyer so distinguished as the gentleman from Louisiana would have referred to the terms of that document to have endeavored at least to find its real meaning from its force and mode of expression. In the absence of such a quotation I beg leave to remind him that the Constitution itself declares by whom it was made and for what it was made. Mr. Adams, reading it, declares that the Constitution of the United States was the work of one people—the people of the United States—and that those United States still constitute one people; and to establish that, among other things, he refers to the fact—the great, the patent, the glorious fact—that the Constitution declares itself to have been made by the people, and not by sovereign States, but by the people of the United States; not a compact, not a league, but it declares that the people of the United States do ordain and establish a government. Now, I ask the distinguished Senator what becomes of this iteration and reiteration that the Constitution is a compact between sovereign States?

Pursuing what I think is a defective mode of reasoning from beginning to end, the distinguished Senator from Louisiana quotes Vattel, and for what? To prove what, as I understand, nobody denies: that a sovereign State, being sovereign, may make a compact and afterwards withdraw from it. Our answer to that is, that South Carolina is not a sovereign State; that South Carolina has not made a compact, and that, therefore, it is not true that she can withdraw from it; and I submit that all these disquisitions upon the nature of European sovereignty, or any of those forms of government to which the distinguished author which he has quoted had his observation attracted, form no argument whatever in a controversy as to the force and meaning of our Constitution bearing upon States, sovereign in some sense; not sovereign in others, but bearing most upon individuals in their individual relations.

But the object of the speech was twofold. It was to prove first, that this Union was a compact between States, and that, therefore, there was a rightful remedy for injury, intolerable or otherwise, by secession. Now, sir, I confess in one thing I do not understand this speech, although it be clearly written and forcibly expressed. Does the Senator mean to argue that there is such a thing as a constitutional right of secession? Is it a right under the Constitution, or is it a right above it and beyond it?

Senator Benjamin.—I will take example from gentlemen

on the other side and I will answer his question by asking another. I will ask him if the State of South Carolina were refused more than one Senator on this floor, whether she would have a right to withdraw from the Union, and, if so, whether it would arise out of the Constitution or not.

SENATOR BAKER.—Now, Mr. President, I will do what the distinguished Senator from Louisiana has not done: I will answer the question [laughter]. First, I think South Carolina ought to inquire what is the cause of that refusal. I believe this body is the judge of the qualification of its own members. If the Senator was disqualified, or if, in any fair judgment or reasonable judgment, we believed he ought not to occupy a seat upon this floor, surely it would not be cause of withdrawal or secession, or revolution, or war, if we were to send him back.

But, sir, I will meet the question in the full spirit in which, I suppose, it is intended to put it. It is this: the right of representation is a sacred right. If that right is fraudulently and pertinaciously denied has the State to which it is denied a right to secede in consequence thereof? I answer, the right of representation is a right, in my judgment, inalienable. It belongs to all communities, and to all men. It is of the very nature and essence of free government; and if, by force, by despotism of the many over the few, it is denied, solemnly, despotically, of purpose, the intolerable oppression resulting from that may be repelled by all the means which God and nature have put in our hands. Is the honorable Senator answered?

SENATOR BENJAMIN.—Not yet. I asked the Senator whether he denied the fact that, in the supposed case, which he has very fairly met, the right to withdraw resulted from the breach of the agreement in the Constitution, and would be a right growing out of the violation of the Constitution, independent of the question of oppression at all?

SENATOR BAKER.—The right of South Carolina to withdraw because the fundamental right of representation is denied her is the right of revolution, of rebellion. It does not depend upon constitutional guarantees at all. It is beyond them, above them, and not of them. Now, is the Senator answered?

SENATOR BENJAMIN.—I am fully answered. I am only surprised at the answer.

SENATOR BAKER.—Now, will the distinguished Senator answer me? Is there such a thing as a constitutional right of South Carolina to secede?

SENATOR BENJAMIN.—I thought, Mr. President, that my proposition on that subject could not be mistaken. I hold that

there is, from the very nature of the Constitution itself, from the theory upon which it is formed, a right in any State to withdraw from the compact, if its provisions are violated to her detriment.

SENATOR BAKER.—Does the right to secede spring out of and belong to the Constitution? And, if so, where? I am a strict constructionist.

SENATOR BENJAMIN.—I am, too; and, if the Senator will admit with me, what I suppose he will scarcely deny, that the States have reserved to themselves under the Constitution, by express language, every right not expressly denied to them by the Constitution, I say that he will find in the ninth and tenth amendments to the Constitution the recognition of the very right which I claim.

SENATOR BAKER.—Well, sir, the answer to that is just this: that we have been endeavoring to show—and I think irresistibly—that, so far from its being true that the States do reserve to themselves in the Constitution all rights not delegated by it, they do not reserve anything, for they are not parties to it; and there is no such thing as a reservation by the States at all. The instrument is made by the people; and the reservations, if any, are made by the people, not the States. Every authority which I have read, every argument at which I have glanced, from Jackson, from Madison, from Webster, from Adams, all unite in the proposition that still this is a Government made by the people of the United States, in their character of people of the States, being one Government by them ordained.

SENATOR BENJAMIN.—I ask the Senator whether, after the Constitution had been framed, amendments were not proposed by nearly all the States and adopted, for the very purpose of meeting that construction for which he is now contending; for the very purpose of maintaining the proposition against which he now argues. If the right of secession exists at all, under any circumstances, revolutionary or not, it is a State right. Now, the question whether it exists under the Constitution or not can be determined only in one way, first, by examining what powers are prohibited to the State, and, next, whether the powers not prohibited are reserved. This power is nowhere prohibited; and the tenth amendment declares that the powers not prohibited by the Constitution to the States are reserved to the States.

SENATOR BAKER.—Mr. President, I do not perceive the importance, nay, the profit, of pursuing that line of inquiry any further. I have asked for the answer of the honorable Senator to that question; and if with that answer he is content, and if

with that answer he intends to abide, so be it. I think that we have well disposed of the right of secession under the Constitution itself. I advance to another proposition.

I admit that there is a revolutionary right. Whence does it spring? Why, sir, as a right in communities, it is of the same nature as the right of self-preservation in the individual. The question that arises between us at once is: how must it be exercised? In a case, and in a case only, where all other remedies fail; where the oppression is grinding, intolerable, and permanent; where revolution is in its nature a fit redress; and where they who adopt it as a remedy can do it in the full light of all the examples of the past; of all the responsibilities of the present; of all the unimpassioned judgment of the future, and the ultimate determination of the Supreme Arbiter and Judge of all. Sir, a right so exercised is a sacred right. I maintain it; and I would exercise it. The question recurs: has South Carolina that right?

The gentleman from Louisiana says that the wrongs under which the State of South Carolina groans, the injuries which justify and demand revolution, are to be found "chiefly in a difference of our construction of the Constitution." Sir, is not that a "lame and impotent conclusion"? Why, sir, can it be that any man in his sober senses will pretend that there can be cause for revolution, war, because two parties in this Government differ as to their construction of one article in the Federal Constitution?

Senator Benjamin.—The Senator will pardon me. We have eight or ten grievances; because you all construe the Constitution on the erroneous principles you have announced this morning.

Senator Baker.—Well, sir, let it be "two rogues in buckram," or seven; the idea is the same. Now, sir, suppose we differed about a dozen articles of the Constitution: what then? I read the catalogue of wrongs and I find, as a lawyer, that they must refer themselves principally to one. But suppose there are more: what then? Does not the honorable Senator remember that, although he may have one construction of the Constitution and I may have another, there is between us a supreme arbiter, and that upon every conceivable clause about which we may differ, or have differed, that arbiter has decided always upon one, and that the Southern, side?

Here the speaker mentioned the two principles of the Dred Scott decision, the return of fugitive slaves, and the admission of slavery into the Territories.

There are the two points; and, as the honorable Senator asks me questions, I will ask him another. Is there any other cause of complaint, except under these two clauses of the Constitution, belonging to the constitutional controversy?

SENATOR BENJAMIN.—I enumerated six. If the Senator will do me the honor to read the complaints which I made in behalf of the South, he will find them. Then, if those are not sufficient, I can furnish half a dozen more.

SENATOR BAKER.—Mr. President, I may remark that those other causes of grievance which, upon an occasion so solemn as that presented by the Senator the other day, were not mentioned in that category, were best left unsummed. If they were not of sufficient importance to be enumerated then, they ought not to be brought up by way of make-weight now. I hold him to his record.

SENATOR BENJAMIN.—Read.

SENATOR BAKER.—One of the six charges is that we slander you. Surely we do not do that under the Constitution. We slander you, we vilify you, we abuse you, you say. Well, that is not a constitutional difficulty [laughter]; and, if my distinguished friend will look at his "dreary catalogue," he will find that, save the two which I have mentioned, the remainder are but amplification, extension of grievances arising outside of the Constitution, from difference of sentiment, opinions, morals, or habits, and not the cause of constitutional complaint. Therefore I am not answered when he says: "Look at my catalogue."

I repeat, take the whole tenor of the speech, the complaint, the catalogue, the "dreary catalogue"; it all ends in this: that there are differences of opinion among us of sentiment. You complain of our bad morals and our bad manners; you say we rob you; you say we intend to establish a cordon of free States around you; you say that we are persistent in what we do on this point; but at last, in your better and your more candid moments, you say that the difficulty seems to arise chiefly from a difference in our construction of the Constitution.

Senator Baker then discussed the chief constitutional issue between the North and the South: the admission of slavery into the Territories. Speaking of the re-establishment of the Missouri Compromise as a concession to the North to which certain Senators from the South were inclined to agree, he said:

If you, the Senator from Louisiana, do, in your conscience, believe that an act of Congress to prohibit slavery in the terri-

tory of the United States, or in any part or parcel thereof, is in violation of the Constitution of the United States, and in derogation of the rights either of the States or the people—if, in your heart and conscience, you really do believe that, you are false and perjured when you do it. Let me add, as the language is strong, that I am quite as sure as I live that with that view the Senator never would do it.

Senator Benjamin.—Mr. President, I endeavored to make my proposition as plain as I know how to do it. I say that, under the Constitution, Congress has no power to exclude the Southern States from participation in the territory, from going there with their slave property, and there finding protection. I say that, notwithstanding the absence of all that congressional power, it is perfectly competent, and in accordance with the spirit of the Constitution, for Southern members, even by way of an act of Congress, to pledge the honor of their States that they will not avail themselves of the privilege of going into that part of the territory that is north of a particular line, and of proposing that to the people of the North as a settlement of a disputed question—not because the act of Congress would thereby be binding, under the Constitution itself, but because it would be good and authentic evidence to the people of the North of an agreement by the people of the South not to insist on that part of the Constitution which gave that right.

Senator Baker.—The point of the argument is not to be evaded by any pretence that it is a mere agreement in a court of honor to do that which they have no legal and constitutional right to do. Suppose a gentleman from Alabama comes up and says: "Sir, you, the Senator from Louisiana, have voted to prohibit me from taking my slaves into the territory north of 36° 30′; what do you mean by it; have you any right to do it?" "Oh, no," the Senator says, "no right in the world; it is just a sort of legislative flourish; the exercise of a right which theoretically we do not claim; we have just done it because we hope, having done it, nobody will undo it.

I do not think the argument can be defended other than upon the ground assumed by a justice of the peace, well known to my distinguished friend from Illinois [Mr. Douglas], old Bolling Green, in answer to a little law advice that I gave him on one occasion when the Senator and I were both very young men, and (if he will excuse me for saying so) very poor lawyers. [Laughter.] Old Bolling Green, then a magistrate, came to me and said: "Baker, I want to know if I have jurisdiction in a case of slander." I put on a very important air; looked at him

steadily—looked as wise as I could, and I said to him: "Squire, you have no such authority; that is reserved to a court of general jurisdiction." "Well," said he, "think again; you have not read the law very well, or very long; try it again; now, have I not jurisdiction; can I not do it?" "No," I said, "you cannot; I know it; I have read the law from Blackstone to ——; well, I have read Blackstone, and I know you cannot do it." "Now, sir," said he, "I know I can; for, by Heaven, I have done it." [Laughter.] I understand, now, that the sum total of the answer which is made to my objection as to the constitutionality of the Missouri Compromise touching the consciences of the gentlemen who proposed to pass it without power, is just the reply of my old friend Bolling Green. They say: "Theoretically we have not the power; constitutionally we have not the power; but, by Heaven, we have done it." [Laughter.]

If that be the opinion of Lousiana, of the entire South; if they have done it by their leaders, by their speeches; if they have lived by it; if, being a compact, it is an executed compact; if under it State after State has come into this Union, is it not too late for them to deny now that we are justified if we wish to adhere to that principle? Have they a right to come and say: "You are declaring slavery to be a creature of the local law, and we will justly dissolve the Union by revolution in consequence thereof"? I think that this is neither fair, nor just, nor right, nor constitutional. There is no escape.

Now, in regard to interference with slavery in the State. If it is charged that, in violation of the Constitution of the United States, we of the North or West, by any bill, resolution, or act, do in anywise interfere with the state and condition of slavery where it exists within the States of this Union, or any of them, by virtue of local law, by which alone it can be treated, we deny it.

Senator Benjamin.—The charge is not that Congress does it, but that the States do it.

Senator Baker.—Very well. The great champion of the South upon this question gets up in his place in the Senate and admits that there is no ground of complaint that the Federal Government ever has attempted to interfere with the existence of slavery in the Southern States. We will get that down upon the record, and I apprehend it will be quoted before this controversy is over, again and again.

But it is said that the Northern States, the Western States, in other words, the free States, do so interfere. Again we deny it. The fact is not so. The proof cannot be made. Why, sir,

I might ask, in the first place, how can the States so interfere? Suppose Illinois were to violate all the opinions which she has manifested in her history, and desired to interfere with the existence of slavery in Virginia, how would she go about it? I have the profoundest respect for my friend as a lawyer; but I would like to know what bill he could frame by which Illinois could interfere with the existence of slavery in Virginia.

Senator Benjamin.—Mr. President, I will tell the Senator, not how they can do it by bill, but how they do it in acts. A body of men penetrated into the State of Virginia by force of arms into a peaceful village at the dead hour of night, armed with means for the purpose of causing the slaves to rise against their masters, seized upon the public property of the United States, and murdered the inhabitants. A man [John A. Andrew] was found in Massachusetts who, in public speeches, declared that he approved of that, and that the invasion was right; and the people of Massachusetts, by an enormous majority, elected him their Governor, indorsed the invasion of a sister State, indorsed the murder of the peaceful inhabitants of the State of Virginia.

Senator Baker.—I asked the gentleman from Louisiana to point out to me and to the Senate, how, if the State of Illinois were desirous to interfere with the existence of slavery in Virginia, it could be done. I leave to his cooler temper and his better taste to examine how he has answered me. Why, sir, he runs off into a disquisition upon John Brown, which would not dignify a stump. Now, I submit that that is not the point between us. I hold that his answer is an acknowledgment that a free State cannot, as a State, interfere in any conceivable way with slavery in a slave State; and that being so, we advance another step. We agree now that Congress never have interfered, and that States never can.

Now, as to the interference with slavery in the States by individuals. There are people in Massachusetts and in Illinois and in Oregon who will not only violate the rights of the slave States but the rights of the free. There are people in the North who will not only steal niggers, but steal horses. There are people in the North who will not only try to burn down houses in the slave States, but who will be incendiary in the free States. It is the duty of the distinguished Senator from Louisiana and myself sometimes, as counsel, to defend such men. Nor do I know that such men or such defences are confined to the North or the West alone. I apprehend, if a grateful procession of the knaves and rascals who are indebted to the distin-

guished Senator from Louisiana for an escape from the penitentiary and the halter, were to surround him to-day, it would be difficult for even admiring friends to get near him to congratulate him upon the success of his efforts upon this floor. [Laughter.]

Now, I beg leave to say to the honorable Senator that the desire to interfere with the rights of slavery in the slave States is not the desire of the Northern people. I may say more, that in all my association with the Republican party, I have yet to find among them, from their chiefs down to their humblest private, one man who proposes to interfere with the existence of slavery in the slave States by force, by legislation, or by congressional action. I have known no such man in all my short experience, nor do I believe that the Senator from Louisiana can point out any such man.

Senator Benjamin.—If the Senator merely desires me to answer him, I will tell him that the belief of the South is, and I admit I share it, that without intending to violate the letter of the Constitution by going into States for the purpose of forcibly emancipating slaves, it is the desire of the whole Republican party to close up the Southern States with a cordon of free States for the avowed purpose of forcing the South to emancipate them.

Senator Baker.—Very well, sir. See how gloriously we advance step by step. We abandon now the charge that Congress does it; we abandon now the charge that States do it; we abandon now the charge that the individual members of the Northern and Western communities as a body desire to interfere with slavery contrary to law; to violate any existing right in the slave States; but we insist tenaciously and pertinaciously on our fourth count in the indictment; and it is this——

Senator Benjamin.—The Senator, I trust, does not desire to misrepresent what I said. I understood the Senator to ask me, in relation to the Republican party, what proof I had of their desire to destroy slavery in the States. I gave it to him. I did not say that independently of that, there were not other attacks upon Southern slavery. I just this moment referred him to the direct attack of the State of Massachusetts—the State as a State. Independently of that, by the further exemplification of the State of Massachusetts, I will refer him to the fact that her legislature indorsed the vituperations of her Senator on this floor, by an enormous majority, and made that a State act; and, furthermore, that she passed a law in violation of the rights of Southern slaveholders, and all her eminent legal men are now

urging the State to repeal the law as a gross outrage upon the constitutional rights of the South.

SENATOR BAKER.—Why, Mr. President, in a State where all her eminent legal men are desirous to rectify a wrong, I do not think, if the Senator will wait a little while, there can be any very great danger. Our profession is a very powerful one; and I have never known a State in which we all agree upon a legal proposition that we could not induce her to agree to it, too.

It is now true that the great ground of complaint has narrowed itself down to this: that, as a people, we desire to circle the slave States with a cordon of free States, and thereby destroy the institution of slavery; to treat it like the scorpion girt by fire. Now, I approach that question: first, if we, a free people, really, in our hearts and consciences, believing that freedom is better for everybody than slavery, do desire the advance of free sentiments, and do endeavor to assist that advance in a constitutional, legal way, is that, I ask him, ground of separation?

SENATOR BENJAMIN.—I say, yes; decidedly.

SENATOR BAKER.—That is well. And I say just as decidedly, and perhaps more emphatically, no! And I will proceed to tell him why. It is no greater crime for a Massachusetts man or an Oregon man to circle, to girdle, and thereby kill slavery than for a Frenchman, or an Englishman, or a Mexican. It is as much a cause of war against France, or England, or Mexico, as against us.

Again, sir; how are you going to help it? How can we help it? Circle slavery with a cordon of free States! Why, if I read history and observe geography rightly, it is so girdled now. Which way can slavery extend itself that it does not encroach upon the soil of freedom? It cannot go north, though it is trying very hard. It cannot go into Kansas, though it made a convulsive effort, mistaking a spasm for strength. It cannot go south, because, amid the degradation and civil war and peonage of Mexico, if there be one thing under heaven they hate worse than another, it is African slavery. It cannot reach the islands of the sea, for they are under the shadow of France, that guards their shores against such infectious approach. Where can his slavery go that it is not now? If it go elsewhere it will go incursive, aggressive upon freedom. It will go by invading the rights of a nation that is inferior and that desires to be friendly. It will go in defiance of the wish and will and hope and tear and prayer of the whole civilized world. It will go in defiance of the hopes of civilized humanity all over the world. There-

fore it is that it appears to me idle—and I had almost said wicked—to attempt to plunge this country into civil war upon the pretence that we are endeavoring to circle your institution, when, if we had no such wish or desire in the world, it is circled by destiny, by Providence, and by human opinion everywhere.

There is, then, no ground of complaint against us, even if all you say be true, that we are surrounding you by a girdle, a cordon, a circle of free States. Why, you seem to me to have the same notion with an old farmer in my country who was complaining that he was not rich enough. He said he would be perfectly happy if he only had all the land that joined him. [Laughter.] It appears to me that the complaint of the honorable Senator is, that slavery does not extend everywhere, without border, or limit, or girdle, or circle in the world.

Again: does the Senator remember, when he asks us to restrain this process of circling the slave States by the settlement of free communities upon their borders, that he is asking us to do what we have no power to do by our system of government, or by our Constitution? What is the process? When slavery is circled, it is circled by the elastic, expansive power of free labor. California so circled it; Oregon so circles it. Make Arizuma[1] a Territory to-day; steal Sonora[2] to-morrow; and there free labor will so circle it, spite of laws, spite of government.

Now, why should the Senator from Louisiana propose to dissolve with us because this is so? I would ask gentlemen on the other side: will it be any the less so if you dissolve with us? Will not our young men take their axes upon their shoulders, or their ox-whips in their hands, and drive their teams out in the wilderness upon the very edge and border of civilization, adventurous, fearless, elastic, expansive? Do you not know that we will gear up the team, put the wife and children in the wagon, and be half way there—nay, that we will seize and possess the goodly land, while you are hallooing "Pompey, Jube, Scipio, get ready and come"? That, sir—the peaceful progress of settlement and civilization—must be the real substantial ground of complaint, if there be any.

Then, sir, as for destroying the liberty of our press, as for abolishing societies formed to promote the abolition of slavery, or for any other purpose in the world, do Senators think when they ask us to do that? Sir, I ask them how? Whether they do it in their own States, it is not for me to determine. But

[1] An early form of the Indian name now known as Arizona.

[2] A State of Mexico on the border of the United States.

I may inquire how do they expect us to abolish the right of free speech and of free discussion?

The abuse of the right is, if you like, an evil, incident to free government; and how and why do you ask us to obviate in your case what we cannot remove in our own? Will you really make war upon us, will you really separate from us, because we cannot alter the model and frame of our free Government for which your fathers and ours fought side by side? You will not do that.

Mr. President, do gentlemen propose to us seriously that we shall stop the right of free discussion; that we shall limit the free press; that we shall restrain the expression of free opinion everywhere on all subjects and at all times? Why, sir, in our land, if there be any base enough, unreflecting enough, to blaspheme the Maker that created him, or the Savior that died for him, we have no power to stop him. If there be the most bitter, unjust, and vehement denunciation upon all the principles of morality and goodness, on which human society is based, and on which it may most securely stand, we have, for great and overruling reasons connected with liberty itself, no power to restrain it. Private character, public service, individual relations—neither these, nor age, nor sex, can be in the nature of our Government exempt from that liability to attack. And, sir, shall gentlemen complain that slavery is not made an exception to that general rule? You did that when you made what you call a compact with us. You were then emerging out of the war of Independence. Your fathers had fought for that right, and, more than that, they had declared that the violation of that right was one of the great causes which impelled them to the separation.

I submit these thoughts to gentlemen on the other side, in the candid hope that they will see at once that the attempt to require us to do for them what we cannot do for ourselves is unjust and cruel in the highest degree. Sir, the liberty of the press is the highest safeguard to all free government. It is with us, nay, with all men, like a great exulting and abounding river. It is fed by the dews of heaven, which distil their sweetest drops to form it. It gushes from the rill, as it breaks from the deep caverns of the earth. It is fed by a thousand affluents that dash from the mountain top to separate again into a thousand bounteous and irrigating rills around. On its broad bosom it bears a thousand barks. There genius spreads its purpling sail. There poetry dips its silver oar. There art, invention, discovery, science, morality, religion may safely and

securely float. It wanders through every land. It is a genial, cordial source of thought and inspiration wherever it touches, whatever it surrounds. Sir, upon its borders there grow every flower of grace and every fruit of truth. I am not here to deny that that river sometimes overleaps its bounds. I am not here to deny that that stream sometimes becomes a dangerous torrent, and destroys towns and cities upon its bank; but I am here to say that, without it, civilization, humanity, government, all that makes society itself would disappear and the world would return to its ancient barbarism.

Sir, we will not risk these consequences, even for slavery; we will not risk these consequences even for union; we will not risk these consequences to avoid that civil war with which you threaten us; that war which you announce as deadly and which you declare to be inevitable.

Now as to territory. I will not yield one inch to secession; but there are things that I will yield, and there are things to which I will yield. It is somewhere told—and the fine reading of my friend from Louisiana will enable him to tell me where—that when Harold of England received a messenger from a brother with whom he was at variance, to inquire on what terms reconciliation and peace could be effected between brothers, he replied in a gallant and generous spirit, in a few words: "The terms I offer are the affection of a brother and the earldom of Northumberland"; "and," said the envoy, as he marched up the hall amid the warriors that graced the state of the king, "if Tosti, thy brother, agree to this, what terms will you allow to his ally and friend, Hardrada, the giant? "We will allow," said Harold, "to Hardrada, the giant, seven feet of English ground, and if he be as they say, a giant, some few inches more"; and, as he spake, the hall rang with acclamation.

Sir, in that spirit I speak. I will yield no inch, no word, to the threat of secession, unconstitutional, revolutionary, dangerous, unwise, at variance with the heart and the hope of all mankind save themselves. To that I yield nothing, but, if States loyal to the Constitution, if people magnanimous and just, desiring a return of fraternal feelings, shall come to us and ask for peace, for permanent, enduring peace and affection, and say, "What will you grant?" I say to them, "Ask all that a gentleman ought to propose, and I will yield all that a gentleman ought to offer." I will agree to anything which is not to force upon me the necessity of protecting slavery in the name of freedom. To that I never can and never will yield.

Sir, as I approach a close, I am reminded that the honorable

Senator from Louisiana has said, in a tone which I by no means admired, "Now, gentlemen of the North, a State has seceded; you must either acknowledge her independence or you must make war." To that we reply: we will take no counsel of our opponents; we will not acknowledge her independence. They say we cannot make war against the State; and the gentleman undertakes to ridicule the distinction which we make between a State and individuals. Sir, it was a distinction that Mr. Madison well understood; it was a distinction that General Jackson was very well determined to recognize; it was the distinction which was made in the whole argument when the Constitution was formed.

Now, sir, let us examine for a minute this idea that we cannot make war. First, we do not propose to do it. Does any gentleman on this side of the chamber propose to declare war against South Carolina? Did you ever hear us suggest such a thing? You talk to us about coercion; many of you talk to us as if you desired us to attempt it. It would not be very strange if a government, and hitherto a great government, were to coerce obedience to her law upon the part of those who were subject to her jurisdiction. No great cause of complaint in that, certainly. "But," says the gentleman, "these persons offending against your law are a sovereign State; you cannot make war upon her"; and, following out with the acuteness of a lawyer what he supposes to be the *modus operandi,* he asks: "What will you do if you will not acknowledge her independence, and you do not make war; how will you collect your revenue?" And he goes on to show very conclusively, to his own mind, that we cannot. He shows us how a skillful lawyer, step by step, will interpose exception, motion, demurrer, rejoinder, and surrejoinder, from the beginning to the end of the legal chapter; and he says, with an air of triumph, which I thought did not well become a gentleman that is yet (may he remain so always) a Senator from a sovereign State, upon the floor of this chamber; he says, with an air of triumph: "It is nonsense; you cannot do it; you will not acknowledge her; you will not declare war; you cannot collect your revenue." Sir, if that is the case to-day, it has been so for seventy years; we have been at the mercy of anybody and everybody who might choose to flout us. Is that true? Are we a government? Have we power to execute our laws? The gentleman threatens us with the consequences; and he says if we attempt it there will be all sorts of legal delays interposed, and when that is done there will be a mob; a great Government will be kicked out of

existence by the tumultuous and vulgar feet of a mob and he seems to rejoice at it. If we do not do it, he says, "Why do you not advance?" He puts me somewhat in mind of the lawyer—and belonging to that honorable profession myself, he will pardon me for alluding to it—in the play of "London Assurance," I think, who gets into a controversy with Cool, insults him, and says, when Cool does not kick him, that "he is a low, underbred fellow; he cannot afford the luxury of kicking me; he knows he would have to pay for it." [Laughter.] Why, Mr. President, against the legal objections to collecting the revenue in a case where South Carolina revolts, and individuals refuse to pay duties, against the lawyership of my friend from Louisiana, I will put another lawyer, General Jackson, a man of whom Mr. Webster said that when he put his foot out he never took it back; and, if the gentleman wants a solution of the difficulties as to the manner in which the revenue is to be collected near the sovereign State of South Carolina, when she is in a condition of revolt or revolution, I will show him what General Jackson thought, and ordered to be done, when South Carolina revolted once before.

Here the speaker read President Jackson's instructions to the collector at Charleston, of the 6th of November, 1832. [See page 88, ss.]

Mr. President, there is my answer to the whole argument of inconvenience and impossibility on the part of the distinguished Senator from Louisiana. There is the manner, allowing all the ingenuity he can claim for his plan of defeat; there is the way in which the Old Hero cut the knot which some people cannot untie. And that is neither an acknowledgment of the independence of South Carolina, nor is it war. If, from that, collision come, let him bear the danger who provokes it.

Why, sir, there is nothing practical in this attempted idea that we cannot punish an individual, or that we cannot compel him to obey the law, because a sovereign State will undertake to succor him. There is no more sense in that than there was in the excuse made by a celebrated commander-in-chief for profane swearing. The Duke of York, as you may remember, sir, was, during the reign of George III, his father, not only commander-in-chief of the British forces, but he was titular Bishop of Osnaburgh, a little principality in Germany. At a tavern one day, while the commander-in-chief was swearing profanely, a gentleman of the Church of England felt it his duty to reprove

him, and said to him: "Sir, I am astonished that a bishop should swear in the manner that you do." "Sir," said he, "I want you to distinctly understand that I do not swear as the Bishop of Osnaburgh; I swear as the Duke of York, the commander-in-chief." "Ah, sir," said the old man, "when the Lord shall send the duke to hell what will become of the bishop?" [Laughter.] Now, if, in consequence of an attempt to violate the revenue laws, some persons should be hurt, I do not know that it will better their condition at all that South Carolina will stand as a stake to their back.

On January 3 Senator William Bigler [Pa.] presented a memorial from citizens of Philadelphia asking the passage of the Crittenden resolutions. Approving this petition, he said that, if the Northern people could only act on the question, the South would see that they were prepared to meet its complaints in a kindly and conciliatory spirit.

Senator Crittenden thereupon introduced propositions additional to his former resolutions that Congress submit to the country the following amendments to the Constitution:

1. The Missouri Compromise.
2. Congress to have no power to abolish slavery in the States nor in the District of Columbia.
3. Transportation of slaves from one State to another.
4. Owners of fugitive slaves to be indemnified in cases when their recovery has been prevented by force.
5. These amendments to be incapable of future abolition or change.

A few days thereafter Senator Crittenden supported his resolutions in a speech in which he said that an appeal to the people seemed to be the only course remaining.

He felt sure that Senators would agree to take the slavery question out of Congress forever, as his constitutional amendment proposed to do. The establishment of a line dividing the common territory was less a compromise than a fair adjustment of rights. The alternative was civil war. Were members of Congress prepared for

such an alternative rather than recognize slavery in a Territory until it becomes a State? The territory was acquired as the common property of all, and now a few attempt to exclude a portion from their just rights, because they have conscientious scruples on the subject. Were Senators willing to sacrifice the country rather than yield their scruples? But, as a matter of right, have Senators any right to exclude any property? The Constitution was formed by men who well knew we had different institutions in different parts of the country, and no section of the country has a right to set up a particular opinion as a rule for all the rest. Suppose the different sections had different religions, would one section try to establish a religion for the other? But the pulpit has become the minister of the politician, and the politician has become the minister of the Gospel. No man has the right to insist that another man's conscience shall be ruled by his. But he [Mr. C.] was to deal with the present, not the past. He was now to consider the safety of the country, and was here as an advocate of the Union, contending for what he thought would save the country. Had a great party grown up which would introduce the anti-slavery principle, and was that the principle on which it had triumphed? This triumph filled some portion of the Southern States with alarm. Will the party now in the proud triumph of victory plant itself on platforms and dogmas and not yield an inch, or will they, like generous men, be not only just but liberal? He appealed to them as patriots and countrymen to grant equal rights to all. He did not think he was asking them to make concessions, but only to grant equal rights. He did not believe in the doctrine of secession. It was a new doctrine, and an attempt to secede with the bold front of a revolution is nothing but lawless violation of the law and the Constitution. But he wanted only to bear his testimony to the Constitution and to let it be known that the Constitution cannot be broken. If a State wishes to secede, let its people proclaim revolution boldly and not attempt to hide themselves under little subtleties of law, and claim the *right* of secession.

Senator Douglas spoke upon the failure of the Com-

mittee of Thirteen to agree on any plan of conciliation, the question of coercion being the stumbling block.

We are told that, inasmuch as our Government is founded upon the will of the people, or the consent of the governed, therefore coercion is incompatible with republicanism. Sir, the word government means coercion. There can be no government without coercion. Coercion is the vital principle upon which all governments rest. Withdraw the right of coercion and you dissolve your government. If every man would perform his duty and respect the rights of his neighbors voluntarily there would be no necessity for any government on earth. The necessity of government is found to consist in the fact that some men will not do right unless coerced to do so.

But coercion must always be used in the mode prescribed in the Constitution and laws. I hold that the Federal Government is, and ought to be, clothed with the power and duty to use all the means necessary to coerce obedience to all laws made in pursuance of the Constitution. But the proposition to subvert the *de facto* government of South Carolina and to reduce the people of that State into subjection to our Federal authority no longer involves the question of enforcing the laws in a country within our possession; but it does involve the question whether we will make war on a State which has withdrawn her allegiance and expelled our authorities, with a view of subjecting her to our possession for the purpose of enforcing our laws within her limits.

We are bound by the usages of nations, by the laws of civilization, by the uniform practice of our own Government to acknowledge the existence of a government *de facto,* so long as it maintains its undivided authority. Now, as a man who loves the Union, and desires to see it maintained forever, and to see the laws enforced, and rebellion put down, and insurrection suppressed, and order maintained, I desire to know of my Union-loving friends on the other side of the chamber how they intend to enforce the laws in the seceding States except by making war, conquering them first, and administering the laws in them afterwards.

In my judgment no system of compromise can be effectual and permanent which does not banish the slavery question from the halls of Congress and the arena of Federal politics by irrepealable constitutional provision. We have tried compromises by law, compromises by act of Congress; and now we are engaged in the small business of crimination and recrimination as to who is responsible for not having lived up to them in good

faith and for having broken faith. I want whatever compromise is agreed to, placed beyond the reach of party politics and partisan policy, by being made irrevocable in the Constitution itself, so that every man that holds office will be bound by his oath to support it.

There are several modes in which this irritating question may be withdrawn from Congress, peace restored, the rights of the States maintained, and the Union rendered secure. One of them—one to which I can cordially assent—has been presented by the venerable Senator from Kentucky [Mr. Crittenden].

Why cannot you Republicans accede to the reëstablishment and extension of the Missouri Compromise line? You have sung pæans enough in its praise and utter imprecations and curses enough on my head for its repeal, one would think, to justify you now in claiming a triumph by its reëstablishment. If you are willing to give up your party feelings—to sink the partisan in the patriot—and help me to reëstablish and extend that line, as a perpetual bond of peace between the North and the South, I will promise you never to remind you in the future of your denunciations of the Missouri Compromise so long as I was supporting it, and of your praises of the same measure when we removed it from the statute-book, after you had caused it to be abandoned by rendering it impossible for us to carry it out. I seek no partisan advantage; I desire no personal triumph. I am willing to let by-gones be by-gones with every man who, in this exigency, will show by his vote that he loves his country more than his party.

I address the inquiry to the Republicans alone, for the reason that in the committee of thirteen, a few days ago, every member from the South, including those from the cotton States [Messrs. Toombs and Davis], expressed their readiness to accept the proposition of my venerable friend from Kentucky [Mr. Crittenden] as a final settlement of the controversy, if tendered and sustained by the Republican members. Hence, the sole responsibility of our disagreement, and the only difficulty in the way of an amicable adjustment, is with the Republican party.

At first, I thought your reason for declining to adjust this question amicably was that the Constitution, as it stands, was good enough, and that you would make no amendment to it. That position has already been waived. The great leader of the Republican party [Mr. Seward], by the unanimous concurrence of his friends, brought into the Committee of Thirteen

a proposition to amend the Constitution. Inasmuch, therefore, as you are willing to amend the instrument, and to entertain propositions of adjustment, why not go further and relieve the apprehensions of the Southern people on all points where you do not intend to operate aggressively? For the purpose of removing the apprehensions of the Southern people, and for no other purpose, you propose to amend the Constitution so as to render it impossible, in all future time, for Congress to interfere with slavery in the States where it may exist under the laws thereof. Why not insert a similar amendment in respect to slavery in the District of Columbia, and in the navy-yards, forts, arsenals, and other places within the limits of the slaveholding States, over which Congress has exclusive jurisdiction? Why not insert a similar provision in respect to the slave trade between the slaveholding States? The Southern people have more serious apprehensions on these points than they have of your direct interference with slavery in the States.

If their apprehensions on these several points are groundless, is it not a duty you owe to God and your country to relieve their anxiety and remove all causes of discontent? The fact that you propose to give the assurance on the one point and peremptorily refuse to give it on the others seems to authorize the presumption that you do intend to use the powers of the Federal Government for the purpose of direct interference with slavery and the slave trade everywhere else, with the view to its indirect effects upon slavery in the States; or, in the language of Mr. Lincoln, with the view of its "ultimate extinction in all the States, old as well as new, North as well as South."

I regret the determination, to which I apprehend the Republican Senators have come, to make no adjustment, entertain no proposition, and listen to no compromise of the matters in controversy.

I fear, from all the indications, that they are disposed to treat the matter as a party question, to be determined in caucus with reference to its effects upon the prospects of their party, rather than upon the peace of the country and the safety of the Union. I invoke their deliberate judgment whether it is not a dangerous experiment for any political party to demonstrate to the American people that the unity of their party is dearer to them than the Union of these States. The argument is that the Chicago platform having been ratified by the people in a majority of the States must be maintained at all hazards, no matter what the consequences to the country. I insist that they are mistaken in the fact when they assert that this question was

decided by the American people in the late election. The American people have not decided that they preferred the disruption of this Government, and civil war with all its horrors and miseries, to surrendering one iota of the Chicago platform. If you believe that the people are with you on this issue, let the question be submitted to the people on the proposition offered by the Senator from Kentucky, or any other fair compromise, and I will venture the prediction that your own people will ratify the proposed amendments to the Constitution in order to take this slavery agitation out of Congress and restore peace to the country and insure the perpetuity of the Union.

Why not allow the people to pass on these questions? All we have to do is to submit them to the States. If the people reject them, theirs will be the responsibility, and no harm will have been done by the reference. If they accept them, the country will be safe and at peace. The political party which shall refuse to allow the people to determine for themselves at the ballot-box the issue between revolution and war, on the one side, and obstinate adherence to a party platform, on the other, will assume a fearful responsibility. A war upon a political issue, waged by the people of eighteen States against the people and domestic institutions of fifteen sister States, is a fearful and revolting thought. The South will be a unit and desperate, under the belief that your object in waging war is their destruction and not the preservation of the Union; that you meditate servile insurrection and the abolition of slavery in the Southern States, by fire and sword, in the name and under pretext of enforcing the laws and vindicating the authority of the Government. You know that such is the prevailing, and, I may say, unanimous opinion at the South; and that ten million people are preparing for the terrible conflict under that conviction.

It matters not, so far as the peace of the country and the preservation of the Union are concerned, whether the apprehensions of the Southern people are well founded or not, so long as they believe them and are determined to act upon that belief. If war comes it must have an end at some time; and that termination, I apprehend, will be a final separation. Whether the war last one year, seven years, or thirty years the result must be the same—a cessation of hostilities when the parties become exhausted and a treaty of peace recognizing the separate independence of each section. The history of the world does not furnish an instance where war has raged for a series of years between two classes of States, divided by a geographical line under the same national government which has ended in recon-

ciliation and reunion. Extermination, subjugation, or separation, one of the three, must be the result of war betwen the Northern and Southern States. Surely, you do not expect to exterminate or subjugate ten million people, the entire population of one section, as a means of preserving amicable relations between the two sections!

Robert Toombs [Ga.] followed Senator Douglas.

The success of the Abolitionists and their allies, under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved. That is an accomplished fact in the path of this discussion that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only ahead of many of her sisters because of her greater facility for speedy action. The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day: "Touch not Saguntum."[1]

Senators, my countrymen have demanded no new government; they have demanded no new Constitution. They have not demanded a single thing except that you shall abide by the Constitution of the United States; that constitutional rights shall be respected; and that justice shall be done. Sirs, they have stood by your Constitution; they have stood by all its requirements; they have performed all of its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind, with having made proclamation of outlawry against four thousand millions of their property in the Territories of the United States; with having aided and abetted insurrection from within and invasion from without, with the view of subverting their institutions and desolating their homes and their firesides. For these causes they have taken up arms.

How have you met the claims of the South?

We claim that the Government, while the Constitution recognizes our property for purposes of taxation, shall give it the

[1] The warning given by the Romans which was disregarded by Hannibal, who attacked the city, the capital of Spanish allies of Rome, in 219 B. C., and so inaugurated the second Punic War.—*Livy* 21, chapters 2, 7, 9.

same protection that it gives yours. Ought it not to do so? You say no. Every one of you upon the committee said no. Your Senators say no. Your House of Representatives says no. Throughout the length and breadth of your conspiracy against the Constitution there is but one shout of no! This recognition of this right is the price of my allegiance. Do you ask me to support a government that will tax my property; that will plunder me; that will demand my blood, and will not protect me? I would rather see the population of my own native State laid six feet beneath her sod than that they should support for one hour such a government. Protection is the price of obedience everywhere, in all countries. It is the only thing that makes government respectable. Deny it, and you cannot have free subjects or citizens; you may have slaves.

The Constitution of the United States now requires and gives Congress express power to define and punish piracies and felonies committed on the high seas and *offences against the laws of nations.* When the honorable and distinguished Senator from Illinois [Mr. Douglas] last year introduced a bill for the purpose of punishing people thus offending under that clause of the Constitution Mr. Lincoln, in his speech at New York, declared that it was a "sedition bill." He places the stamp of his condemnation upon a measure intended to promote the peace and security of confederate States. He is, therefore, an enemy of the human race and deserves the execration of all mankind.

But we are told by well-meaning but simple-minded people that admit our wrongs, your remedies are not justifiable. Senators, I have little care to dispute remedies with you unless you propose to redress my wrongs.

You will not regard confederate obligations; you will not regard constitutional obligations; you will not regard your oaths. What, then, am I to do? Am I a freeman? Is my State, a free State, to lie down and submit because political fossils raise the cry of the glorious Union? Too long already have we listened to this delusive song. We are freemen. We have rights; I have stated them. We have wrongs; I have recounted them. I have demonstrated that the party now coming into power has declared us outlaws and is determined to exclude four thousand millions of our property from the common Territories; that it has declared us under the ban of the empire and out of the protection of the laws of the United States everywhere. They have refused to protect us from invasion and insurrection by the Federal power, and the Constitution denies to us in the Union the right either to raise fleets or armies for our own de-

fence. All these charges I have proven by the record; and I put them before the civilized world and demand the judgment of to-day, of to-morrow, of distant ages, and of Heaven itself upon the justice of these causes. I am content, whatever it be, to peril all in so noble, so holy a cause. We have appealed, time and time again, for these constitutional rights. You have refused them. We appeal again. Restore us these rights as we had them, as your court adjudges them to be, just as all our people have said they are; redress these flagrant wrongs, seen of all men, and it will restore fraternity, and peace, and unity to all of us. Refuse them and what then? We shall then ask you: "Let us depart in peace." Refuse that and you present us war. We accept it; and inscribing upon our banners the glorious words: "liberty and equality," we will trust to the blood of the brave and the God of battles for security and tranquillity.

On January 9, 1861, President Buchanan sent a special message to Congress in which he reiterated the opinions of his annual message, and pleaded that Congress adopt without delay a plan of reconciling the sections.

A common ground on which conciliation and harmony can be produced is surely not unattainable. The proposition to compromise by letting the North have exclusive control of the territory above a certain line and to give Southern institutions protection below that line ought to receive universal approbation. In itself, indeed, it may not be entirely satisfactory; but, when the alternative is between a reasonable concession on both sides and a destruction of the Union, it is an imputation upon the patriotism of Congress to assert that its members will hesitate for a moment.

Even now the danger is upon us. In several of the States which have not yet seceded the forts, arsenals, and magazines of the United States have been seized. This is by far the most serious step which has been taken since the commencement of the troubles. This public property has long been left without garrisons and troops for its protection; because no person doubted its security under the flag of the country in any State of the Union. Besides, our small army has scarcely been sufficient to guard our remote frontiers against Indian incursions. The seizure of this property, from all appearances, has been purely aggressive and not in resistance to any attempt to coerce a State or States to remain in the Union.

I refrained even from sending reinforcements to Major An-

derson, who commanded the forts in Charleston harbor, until an absolute necessity for doing so should make itself apparent, lest it might unjustly be regarded as a menace of military coercion, and thus furnish, if not a provocation, at least a pretext for an outbreak on the part of South Carolina. No necessity for these reinforcements seemed to exist. I was assured by distinguished and upright gentlemen of South Carolina that no attack upon Major Anderson was intended; but that, on the contrary, it was the desire of the State authorities, as much as it was my own, to avoid the fatal consequences which must eventually follow a military collision.

On January 10 Jefferson Davis [Miss.] addressed himself to the following passage in the message:

"I certainly had no right to make aggressive war upon any State; and I am perfectly satisfied that the Constitution has wisely withheld that power even from Congress, but the right and the duty to use military force defensively against those who resist the Federal officers in the execution of their legal functions, and against those who assail the power of the Federal Government, is clear and undeniable."

Is it so? Where does the President get it? Our fathers were so jealous of a standing army that they scarcely would permit the organization and maintenance of any army? Where does he get the "clear and undeniable" power to use the force of the United States in the manner he there proposes? To execute a process, troops may be summoned as a *posse comitatus;* and here, in the history of our Government, it is not to be forgotten that in the earlier, and, as it is frequently said, the better, days of the Republic—and painfully we feel that they were better, indeed—a President of the United States did not recur to the army; he went to the people of the United States.

The case of General Washington has no application. It was a case of insurrection within the State of Pennsylvania; and the very message from which he read communicated the fact that Governor Mifflin thought it necessary to call the militia of adjoining States to aid him. President Washington coöperated with Governor Mifflin; he called the militia of adjoining States to coöperate with those of Pennsylvania. He used the militia, not as a standing army. It was by the consent of the Governor; it was by his advice. It was not the invasion of the State; it was not the coercion of the State; but it was aiding the State to put down insurrection, and in the very manner provided in the Constitution itself.

But, I ask again, what power has the President to use the army and the navy except to execute process? Are we to have drum-head courts substituted for those which the Constitution and laws provide? Are we to have sergeants sent over the land instead of civil magistrates? Not so thought the elder Adams; and here, in passing, I will pay him a tribute he deserves, as the one to whom, more than any other man among the early founders of this Government, credit is due for the military principles which prevail in its organization. Associated with Mr. Jefferson, originally, in preparing the rules and articles of war, Mr. Adams reverted through the long pages of history back to the empire of Rome, and drew from that foundation the very rules and articles of war which govern in our country to-day, and drew them thence because he said they had brought two nations to the pinnacle of glory—referring to the Romans and the Britons, whose military law was borrowed from them. Mr. Adams, however, when an insurrection occurred in the same State of Pennsylvania, not only relied upon the militia, but his orders were that Federal troops should not go across the Jersey line except in the last resort.

Then, Senators, we are brought to consider passing events. A little garrison in the harbor of Charleston now occupies a post which, I am sorry to say, it gained by the perfidious breach of an understanding between the parties concerned. When Major Anderson dismantled Fort Moultrie, when he burned the carriages and spiked the guns bearing upon Fort Sumter, he put Carolina in the attitude of an enemy of the United States. Was that fort built to make war upon Carolina? Was an armament put into it for such a purpose? Or was it built for the protection of Charleston harbor; and was it armed to make that protection complete? If so, what right had any soldier to destroy that armament lest it should fall into the hands of Carolina? No garrison should be kept within a State during a time of peace, if the State believes the presence of that garrison to be either offensive or dangerous. Our army is maintained for common defence; our forts are built out of the common treasury, to which every State contributes; and they are perverted from the purpose for which they were erected whenever they are garrisoned with a view to threaten, to intimidate, or to control a State in any respect.

Yet we are told this is no purpose to coerce a State; we are told that the power does not exist to coerce a State; but the Senator from Tennessee [Mr. Johnson] says it is only a power to coerce individuals; and the Senator from Ohio [Mr. Wade]

seems to look upon this latter power as a very harmless power in the hands of the President, though such coercion would be to destroy the State. What is a State? Is it land and houses? Is it taxable property? Is it the organization of the local government? Or is it all these combined, with the people who possess them? Destroy the people, and yet not make war upon the State! To state the proposition is to answer it, by reason of its very absurdity. It is like making desolation, and calling it peace.

There being, as it is admitted on every hand, no power to coerce a State, I ask what is the use of a garrison within a State where it needs no defence? The answer from every candid mind must be, there is none. The answer from every patriotic breast must be, peace requires, under all such circumstances, that the garrison should be withdrawn.

The President's message of December, however, had all the characteristics of a diplomatic paper, for diplomacy is said to abhor certainty, as nature abhors a vacuum; and it was not within the power of man to reach any fixed conclusion from that message. When the country is agitated, when opinions are being formed, when we are drifting beyond the power ever to return, this is not what we have a right to expect from the Chief Magistrate. One policy or the other he ought to have taken. If a Federalist, if believing this to be a Government of force, if believing it to be a consolidated mass and not a confederation of States, he should have said: no State has a right to secede; every State is subordinate to the Federal Government, and the Federal Government must empower me with physical means to reduce to subjugation the State asserting such a right. If not, if a State-rights man and a Democrat—as for many years it has been my pride to acknowledge our venerable Chief Magistrate to be—then another line of policy should have been taken. The Constitution gave no power to the Federal Government to coerce a State; the Constitution gave an army for the purposes of common defence, and to preserve domestic tranquillity; but the Constitution never contemplated using that army against a State. A State exercising the sovereign function of secession is beyond the reach of the Federal Government, unless we woo her with the voice of fraternity, and bring her back to the enticements of affection. He should have brought his opinion to one conclusion or another, and to-day our country would have been safer than it is.

What is the message before us? Does it benefit the case? Is there a solution offered here? We are informed in it of propo-

sitions made by commissioners from South Carolina. We are not informed even as to how they terminated. No countervailing proposition is presented; no suggestion is made. We are left drifting loosely, without chart or compass.

There is, in our recent history, however, an event which might have suggested a policy to be pursued. When foreigners, having no citizenship within the United States, declared war against it, and made war upon it; when the inhabitants of a Territory [Utah] disgraced by institutions offensive to the law of every State of the Union held this attitude of rebellion; when the executive there had power to use troops, he first sent commissioners of peace to win them back to their duty. When South Carolina, a sovereign State, resumes the grants she had delegated; when South Carolina stands in an attitude which threatens within a short period to involve the country in civil war, unless the policy of the Government be changed—no suggestion is made to us that this Government might send commissioners to her; no suggestion is made to us that better information should be sought; there is no policy of peace, but we are told the army and the navy are in the hands of the President of the United States, to be used against those who assail the power of the Federal Government.

Then, my friends, are we to allow events to drift onward to this fatal consummation? Are we to do nothing to restore peace? Shall we not withdraw the force which complicates the question, send commissioners there in order that we may learn what this community desire, what this community will do, and put the two Governments upon friendly relations?

Now let us return a moment to consider what would have been the state of the case if the garrison at Charleston had been withdrawn. The fort would have stood there—not dismantled, but unoccupied. It would have stood there in the hands of an ordnance sergeant. Commissioners would have come to treat of all questions with the Federal Government, of these forts as well as others. They would have remained there to answer the ends for which they were constructed—the ends of defence. If South Carolina was an independent State then she might hold to us such a relation as Rhode Island held in the dissolution of the Confederation and before the formation of the Union, when Rhode Island appealed to the sympathies existing between the States connected in the struggles of the Revolution, and asked that a commercial war should not be waged upon her. These forts would have stood there then to cover the harbor of a friendly State; and if the feeling which once existed among the people of the States had subsisted still, and that fort had been

attacked, brave men from every section would have rushed to the rescue, and there imperiled their lives in the defence of a State identified with their early history, and still associated in their breasts with affection; and the first act of this time would have been one appealing to every generous motive of those people again to reconsider the question of how we could live together, and through that bloody ordeal to have brought us into the position in which our fathers left us. There could have been no collision; there could have been no question of property which that State was not ready to meet. If it was a question of dollars and cents they came here to adjust it. If it was a question of covering an interior State their interests were identical. In whatever way the question could have been presented the consequence would have been to relieve the Government of the charge of maintaining the fort, and to throw it upon the State which had resolved to be independent.

Is there any point of pride which prevents us from withdrawing that garrison? I have heard it said by a gallant gentleman, to whom I make no special reference, that the great objection was an unwillingness to lower the flag. To lower the flag! Under what circumstances? Does any man's courage impel him to stand boldly forth to take the life of his brethren? Does any man insist upon going upon the open field with deadly weapons to fight his brother on a question of courage? There is no point of pride. These are your brethren; and they have shed as much glory upon that flag as any equal number of men in the Union. They are the men, and that is the locality, where the first Union flag was unfurled, and where was fought a gallant battle before our independence was declared—not the flag with thirteen stripes and thirty-three stars, but a flag with a cross of St. George, and the long stripes running through it. When the gallant Moultrie took the British Fort Johnson, and carried it, for the first time, I believe, did the Union flag fly in the air; and that was in October, 1775. When he took the position and threw up a temporary battery with palmetto logs and sand, upon the site called Fort Moultrie, that fort was assailed by the British fleet, and bombarded until the logs, clinging with stern tenacity to the enemy that assailed them, were filled with balls, the flag still floated there, and, though many bled, the garrison conquered. Those old logs are gone; the eroding current is even taking away the site where Fort Moultrie stood; the gallant men who held it now mingle with the earth; but their memories live in the hearts of a gallant people, and their sons yet live, and they, like their fathers, are ready to bleed and to die for the cause in which

their fathers triumphed. Glorious are the memories clinging around that old fort which now, for the first time, has been abandoned—abandoned not even in the presence of a foe, but under the imaginings that a foe might come; and guns spiked and carriages burned where the band of Moultrie bled, and, with an insufficient armament, repelled the common foe of all the colonies. Her ancient history compares proudly with the present.

Can there, then, be a point of pride upon so sacred a soil as this, where the blood of the fathers cries to Heaven against civil war? Can there be a point of pride against laying upon that sacred soil to-day the flag for which our fathers died? My pride, Senators, is different. My pride is that that flag shall not set between contending brothers; and that, when it shall no longer be the common flag of the country, it shall be folded up and laid away like a vesture no longer used; that it shall be kept as a sacred memento of the past, to which each of us can make a pilgrimage, and remember the glorious days in which we were born.

The Senator from Tennessee [Mr. Johnson]—to whom I refer because he is a Southern Senator—takes the most hostile ground against us. He says:

"We do not intend that you shall drive us out of this house that was reared by the hands of our fathers, and if you persist in the violation of the ordinances of the house we intend to eject you from the building and retain the possession ourselves."

I think it was a mere figure of speech. I do not believe the Senator from Tennessee intended to kick you out of the house; and if he did, let me say to you, in all sincerity, we who claim the constitutional right of a State to withdraw from the Union do not intend to help him. He says, however, and this softens it a little:

"We do not think, though, that we have just cause for going out of the Union now. We have just cause of complaint; but we are for remaining in the Union and fighting the battle like men."

What does that mean? In the name of common sense, I ask how are we to fight in the Union? We take an oath of office to maintain the Constitution of the United States. The Constitution of the United States was formed for domestic tranquillity; and how, then, are we to fight in the Union?

SENATOR JOHNSON.—I meant that we should remain here under the Constitution of the United States, and contend for all its guaranties; and by preserving the Constitution and all its guar-

anties we would preserve the Union. Our true place to maintain these guaranties, and to preserve the Constitution, is in the Union, there to fight our battle. How? By argument; by appeals to the patriotism, to the good sense, and to the judgment of the whole country; by showing the people that the Constitution had been violated; that all its guaranties were not complied with; and I have entertained the hope that when they were possessed of that fact there would be found patriotism and honesty enough in the great mass of the people, North and South, to come forward and do what was just and right between the contending sections of the country.

SENATOR DAVIS.—I receive the answer from the Senator, and I think I comprehend now that he is not going to use any force, but it is a sort of fighting that is to be done by votes and words; and I think, therefore, the President need not bring artillery and order out the militia to suppress them. I think, altogether, we are not in danger of much bloodshed in the mode proposed by the Senator from Tennessee.

SENATOR JOHNSON, of Tennessee.—I had not quite done; but if the Senator is satisfied——

SENATOR DAVIS.—Quite satisfied. I am entirely satisfied that the answer of the Senator shows me he did not intend to fight at all; that it was a mere figure of speech, and does not justify converting the Federal capital into a military camp. But it is a sort of revolution which he proposes; it is a revolution under the forms of the Government. Now, I have to say, once for all, that, as long as I am a Senator here, I will not use the powers I possess to destroy the very Government to which I am accredited. I will not attempt, in the language of the Senator, to handcuff the President. I will not attempt to destroy the Administration by refusing any officers to administer its functions. I should vote, as I have done to Administrations to which I stood in nearest relation, against a bad nomination; but I never would agree, under the forms of the Constitution, and with the powers I bear as a Senator of the United States, to turn those powers to the destruction of the Government I was sworn to support. I leave that to gentlemen who take the oath with a mental reservation. It is not my policy. If I must have revolution, I say, let it be a revolution such as our fathers made when they were denied their natural rights.

So much for that. It has quieted apprehensions; and I hope that the artillery will not be brought here; that the militia will not be called out; and that the female schools will continue their sessions as heretofore. [Laughter.]

Looking, then, upon separation as inevitable, not knowing how that separation is to occur, or, at least, what States it is to embrace, there remains to us, I believe, as the consideration which is most useful, the inquiry, how can this separation be effected so as to leave to us the power, whenever we shall have the will, to reconstruct? It can only be done by adopting a policy of peace. It can be done only by denying to the Federal Government all power to coerce. It can be done only by returning to the point from which we started, and saying, "This is a Government of fraternity, a Government of consent; and it shall not be administered in a departure from those principles."

If our Government shall fail, it will not be the defect of the system, though its mechanism was wonderful, surpassing that which the solar system furnishes for our contemplation; for it had had no center of gravitation; each planet was set to revolve in an orbit of its own, each moving by its own impulse, and all attracted by the affections which countervailed each other. It has been the perversion of the Constitution; it has been the substitution of theories of morals for principles of government; it has been forcing crude opinions about things not understood upon the domestic institutions of other men, which act has disturbed these planets in their orbit; it is this that threatens to destroy the constellation which, in its power and its glory, had been gathering one after another, until, from thirteen, it had risen to thirty-three stars.

Lyman Trumbull [Ill.] followed.

We have listened to the Senator from Mississippi; and one would suppose, in listening to him here, that he was a friend of this Union, that he desired the perpetuity of this Government. He has a most singular way of preserving it, and a most singular way of maintaining the Constitution. What is it? Why, he proposes that the Government should abdicate. If it will simply withdraw its forces from Charleston, and abdicate in favor either of a mob or of the constituted authorities of Charleston, we will have peace! He dreads civil war; and he will avoid it by a surrender! He talks as if we Republicans were responsible for civil war if it ensues. If civil war comes it comes from those with whom he is acting. Who proposes to make civil war but South Carolina? Who proposes to make civil war but Mississippi and Alabama and Georgia, seizing, by force of arms, upon the public property of the United States? Talk to us of making civil war! You inaugurate it, and then talk of it as if it came from the friends of the Constitution and the Union.

Here stands this great Government; here stands the Union—a pillar, so to speak, already erected. Do we propose to pull it down? Do we propose undermining the foundations of the Constitution or disturbing the Union? Not at all; but the proposition comes from the other side. They are making war, and modestly ask us to have peace by submitting to what they ask!

I agree in one thing with the Senator from Mississippi. I agree with him that there should have been more decision and more resolution on the part of the Government at the outset. If, when he was secretly informed, as it seems he was long ago, that the public property of the United States at Charleston was not to be protected; if, at that time, he, as a military man, had advised the President of the United States to put the public property at Charleston in a position to be defended, secession would never have made the progress it has. But, sir, it seems there was a complicity with this thing. It was at least to be tolerated. Assurances, it was said, were given that the United States would not protect itself: "Go on, you seceding States; gather your strength; the United States will do nothing to protect itself against your assaults."

The stars and stripes have been taken down from the United States buildings in the city of Charleston, and trampled in the dust, and a palmetto flag, with a snake, reared in their place; but if we would avoid civil war, we are told, we must submit to this! Why, sir, any people can have peace at the price of degradation. No despot makes war upon subjects who submit their necks to the tread of his heel. But if we would maintain constitutional liberty; if we would maintain constitutional freedom; if we would maintain this great Government; we must not suffer every faction, and every mob, and every State, that thinks proper, to trample its flag under foot.

What is the occasion of all this uproar in the country, and why is it laid at the door of the Republican party? Why is the Senator from Kentucky [Mr. Crittenden] seeking to overturn the compromises of 1850? Why may we not stand right by them? Why any new legislation; why any proposition to amend the Constitution; why not stand upon the great settlement made in 1850, and not attempt to introduce a provision here to establish slavery south of a certain line, which that compromise did not do? When, at that time, a proposition was made in the Senate Chamber to extend slavery, a distinguished Senator from Kentucky, now deceased, uttered a sentiment which alone should make him immortal. He said that he never would, and no human power ever should, compel him to vote to

extend slavery over one foot of territory then free. I regret I have to say that the distinguished Senator now representing Kentucky proposes to do that very thing which the immortal Clay declared that no power under God could ever induce him to do.

Why may we not, then, settle this matter? Let your new legislation go; abandon your propositions of compromise by amendments to the Constitution, and your appeals to the Republican party to do something, as if they had power to do anything. They have not had control of this Government. The South have had the entire control of the Government. They have made all the laws, and made them to suit themselves. What are they complaining of? Why is it that the Government is to be dissolved, and civil war inaugurated? We will stand by the compromises as they were made. We are not proposing to change them.

On January 11 Robert M. T. Hunter [Va.] asked for more drastic constitutional amendments than those proposed by Senator Crittenden. These were that Congress should have no power to abolish slavery in Federal arsenals and dockyards in the South, as well as in the District of Columbia, and that any Territory when admitted to the Union be permitted to do so with slavery or without as the people of the Territory should decide. As additional guaranties he revived the proposition of John C. Calhoun that two Presidents be elected, one from the North and one from the South, the second President to succeed the first in administration, and, pending this, to preside over the Senate, having veto power over treaties and the acts of Congress. He also proposed that the Supreme Court be enlarged from nine to ten members, equally divided between North and South, and that any State might bring before it another State on the charge of having failed to discharge its constitutional obligations, and then, if the Court found the State to be in fault, and did not repair the wrong, that any other State might deny all privileges to its citizens, and that all States might tax its commerce until it ceased to be in fault.

He adverted at some length, and with some argumentative force, to the questions of secession, coercion,

and the enforcement of the laws. Call it what you may, secession was a fixed fact, and that the constitutional power did not exist to coerce a State he believed to be incontestable.

In conclusion he appealed to his opponents.

Republican Senators, why are these threats of coercion sent to the Southern States, who are seeking to do no evil to others, but merely to protect and defend themselves? Do they go out with any purpose of attacking your rights? Do they secede with the wish to injure or disturb you in any manner? Are they not going out simply for the purpose of exercising that first law of nature and of nations, the right of self-government, because they believe they are not safe under your rule? Are they not willing to meet all the responsibilities which they may have incurred while they were carrying on a joint government with you? Why, then, sirs, do you claim to pursue them with fire and with sword; and why do you deny to them that right which belongs to every organized people? When we were asserting that right against the Government of Great Britain we claimed, and we received, the sympathies of the whole civilized world. When the Spanish provinces rebelled against the mother country we were quick to express our sympathy and regard for their cause. When Greece, distant Greece, asserted her independence we were among the first to express our sympathy for her. Now, sir, the right which we are free to offer, and the sympathy which we gladly extend, to foreigners and to aliens, are refused to our own brethren; and you say that, if they attempt to exercise them, you will pursue them to the death.

Mr. President, is it to be supposed that any Anglo-Saxon people, people of our own blood and race, would submit to such demands? Is there any free people who are worthy of liberty who would not say that sooner than yield to such demands as these we bid you to wrap in flames our dwellings, and float our land in blood? I believe if they attempt to coerce the Southern people in this regard they will meet not only with the general detestation of mankind, but with such resistance as has never been shown before in the world, except, perhaps, in the history of Holland, whose people fought behind the dykes and flooded their land with waves of the sea, preferring death in any and every form rather than submission to such oppression and tyranny.

But, Mr. President, I do not wish to pursue this line of argument. I do not desire to engage in any discussion which so much stirs the blood as the supposition that such rights as these are to

be denied to any portion of my countrymen. I choose rather to stand in the character in which I appear this day. I stand here to plead for peace; not that my State, in my opinion, has any reason to fear war more than another, but because it is the interest of all to preserve the peace. In the sacred names of humanity and of Christian civilization; in the names of thirty million human souls, men, women, and children, whose lives, whose honor, and whose happiness depend upon the events of such a civil war as that with which we are threatened; in the name of the great American experiment, which was founded by Providence in the wilderness, and which, I insist, has not yet failed; I appeal to the American people to prevent the effusion of blood. It is said that the very scent of blood stirs up the animal passions of man. Give us time for the play of reason. Let us see, after the Southern States have secured themselves by some united action, if we cannot bring together once more our scattered divisions; if we cannot close up our broken ranks; if we cannot find some place of conciliation, some common ground upon which we all may rally once more; and when the columns come mustering in from the distant North and the furthest South, from the rising and from the setting sun, to take their part in that grand review, the shout of their war-cry shall shake the air until it brings down the very birds in their flight as it ascends to the heavens to proclaim to the world that we are united once more, brothers in war, and brothers in peace, ready to take our wonted place in the front line of the mighty march of human progress, and able and willing to play for the mastery in that game of nations where the prizes are power and empire, and where victory may crown our name with eternal fame and deathless renown.

James Harlan, of Iowa, followed, confining his remarks chiefly to the Fugitive Slave Law and the impropriety of the presumption fostered by Southern men that the majority should submit to the minority. He conceived that human liberty, liberty of speech, of the press, of conscience, of government, of religion—all were at stake; if the North yielded, all were in peril and society itself would be shocked to its very center by such a "compromise."

On January 12 William H. Seward [N. Y.] made an expected speech, the prospect of which crowded the Senate chamber, since the speaker's position as the accredited Secretary of State of the incoming Administration

rendered his words of more than usual weight. It was expected that he would pronounce for peace or war—decide if the seceding States should be permitted to depart in peace or be held responsible at the bar of executive power, and, if compromise were possible, to indicate it.

After adverting to the happy auspices of the preceding session and the calamities which were impending at the moment he confessed that the alarm was appalling. Union is not more the body than liberty is the soul of the nation. The American citizen, therefore, who has looked calmly at revolution elsewhere and believed his own country free from its calamities, shrinks from the sight of convulsive indications of its sudden death. He knew how difficult it was to decide, amid so many and so various counsels what ought to, or even what can, be done; but it was time for every Senator to declare himself. He therefore declared his "adherence to the Union in its integrity and with all its parts, with my friends, with my party, with my State, with my country, or without either, as they may determine, in every event, whether of peace or of war, with every consequence of honor or dishonor, of life or of death."

This fine sentiment, says Orville J. Victor in his "History of the Southern Rebellion," was the keynote to his entire speech; to the defence and illustration of that standpoint he brought to bear all the power of his eloquence, all the force of his logic, all the resources of his accomplished intellect. His position was opposed to that of most members of his party who had declared against compromise, and, to some degree, it served to argue a difference in policy from the President-elect, whose first minister he was to become.[1]

It was, said Senator Seward, easy to say what would

[1] The N. Y. *Tribune*, late in December, had inserted the following as a "double-leaded" editorial:

"*We are enabled to state, in the most positive terms*, that Mr. Lincoln is utterly opposed to any concession or compromise that shall yield one iota of the position occupied by the Republican party on the subject of slavery in the Territories, and that he stands now, as he stood in May last, when he accepted the nomination for the presidency, squarely upon the Chicago Platform."

*not* save the Union.[1] Mere eulogiums would not, mutual criminations would not, a continuance of the debate on the power of Congress over slavery in the Territories would not. The Union could not be saved even by proving secession illegal and unconstitutional, and little more would be gained by proving the right of the Federal Government to coerce a seceding State to obedience. All must give place to the practical question—Have many seceding States the right to coerce the remaining members to acquiesce in a dissolution?

Congressional compromises, as such, he assumed, were not calculated to save the Union. He said:

"I know that tradition favors this form of remedy. But it is essential to success, in any case, that there be found a preponderating mass of citizens, so far neutral on this issue which separates parties that they can intervene, strike down clashing weapons, and compel an accommodation. Moderate concessions are not customarily asked by a force with its guns in battery; nor are liberal concessions apt to be given by an opposing force not less confident of its own right and its own strength. I think also that there is a prevailing conviction that legislative compromises which sacrifice honestly cherished principles, while they anticipate future exigencies, even if they do not assume extra-constitutional powers, are less sure to avert imminent evils than they are certain to produce ultimately even greater dangers."

He thought, therefore, that it would be wise to discard two prevalent ideas or prejudices, *viz.:* that the Union was to be saved by somebody in particular, or was to be preserved by some cunning and insincere compact of pacification.

After referring at some length to the facts of the consolidation of the States to form a government capable of acting as a central power and a unit—of enforcing its powers and sustaining its rights, he proceeded to show that, laying aside all passion, all prejudice, all pique, the Union was essential to the prosperity and development of the American people.

[1] Compare this with speech of Senator John C. Calhoun, Vol. IV, p. 200.

"Notwithstanding recent vehement expressions and manifestations of intolerance in some quarters, produced by intense partisan excitement, we are, in fact, an homogeneous people, chiefly of one stock, with accessions well assimilated. We have, practically, only one language, one religion, one system of government, with manners and customs common to all."

He adverted to the impossibility of such a people, divided, being prosperous and happy—to their intricate relations and the necessities of a war footing to guard against each other's encroachments and assumptions. "Universal suffrage and the absence of a standing army are essential to the republican system." A state of military defence would inevitably produce a military demoralization and eventually a military despotism.

Senator Seward then entered upon a consideration of the causes of the impending dissolution of the political bond of union.

In this connection he referred to the territorial domain. Would disunion, he asked, settle the control of this without war? No, he replied. Then, if war came, would it be possible to avert a servile insurrection with all its horrors in the South? No!

He reviewed the great change in the public sentiment of the world in regard to slavery during the last century. One hundred years ago all commercial European states were engaged in transferring slaves from Africa to America. Now all these States were inimical even to the holding of slaves. Opposition to it has assumed two forms: one, European, which is simple, direct abolition, effected, if need be, by compulsion; the other, American, which seeks to arrest the African slave trade and to resist the entrance of the institution of slavery into the Territories, while it leaves the disposition of existing slavery to the considerate action of the States by which it is retained. It is the Union which restricts the opposition to slavery in this country within these limits. If dissolution prevail what guaranty shall there be against the full development here of the fearful and uncompromising hostility to slavery which elsewhere pervades the world, and of which the recent invasion of Virginia (John Brown's raid) was an illustration?

Dissolution, indeed, he assumed, would not only arrest but would extinguish the greatness of this country.

"Dissolution would signalize its triumph by acts of wantonness which would shock and astound the world. It would provincialize Mount Vernon and give this capitol over to desolation at the very moment when the dome is rising over our heads that was to be crowned with the statue of liberty. After this there would remain for disunion no act of stupendous infamy to be committed. No petty confederacy that shall follow the United States can prolong or even renew the majestic drama of national progress. Perhaps it is to be arrested because its sublimity is incapable of continuance. Let it be so, if we have indeed become degenerate. After Washington and the inflexible Adams, Henry, and the peerless Hamilton, Jefferson, and the majestic Clay, Webster, and the acute Calhoun, Jackson, the modest Taylor, and Scott, who rises in greatness under the burden of years, and Franklin, and Fulton, and Whitney, and Morse have all performed their parts, let the curtain fall!"

He discoursed with great feeling upon the shattered prosperity which must result from a dismemberment of the Confederacy. Everywhere a dark hand would be laid upon enterprise to smother it. The pioneer would draw back from the plains of the West, while the savage red man would once more rise in his vengeance to drive back the hated invader of his land. Our ships of war, now commanding the respect and admiration of the civilized world, as types of our commercial and political greatness, would sail hither and thither scarcely observed. Public liberty—our own peculiar liberty—would languish and then cease to live. Over all would rise the hateful forms of a military despotism.

He then proceeded to examine into the causes of this sudden and eternal sacrifice of so much safety, greatness, happiness, and freedom. Have foreign nations combined for our overthrow and subjugation? No! They are all interested and admiring friends. Has the Federal Government become tyrannical or oppressive, or even rigorous or unsound? Has the Constitution lost its spirit, and all at once collapsed into a lifeless letter? No! the Federal Government smiles more benignantly and works to-day more benignly than ever. The Con-

stitution is even the chosen model for the organization of the newly rising confederacies! What, then, can excuse the mighty crime of disunion and its train of anarchy, of wrong, of incalculable injury to society, to intelligence, to liberty, to happiness?

"The justification it assigned was that Abraham Lincoln had been elected, while the success of either one of three other candidates would have been acquiesced in. Was the election illegal? No; it is unimpeachable. Is the candidate personally offensive? No; he is a man of unblemished virtue and amiable manners. Is an election of President an unfrequent or extraordinary transaction? No; we never had a Chief Magistrate otherwise designated than by such election, and that form of choice is renewed every four years. Does anyone even propose to change the mode of appointing the Chief Magistrate? No; election by universal suffrage, as modified by the Constitution, is the one crowning franchise of the American people. To save it they would defy the world. Is it apprehended that the new President will usurp despotic powers? No; while he is of all men the most unambitious, he is, by the partial success of those who opposed his election, subjected to such restraints that he cannot, without their consent, appoint a minister or even a police agent, negotiate a treaty, or procure the passage of a law, and can hardly draw a musket from the public arsenals to defend his own person."

The ground of real discontent, he said, lies in the fact that the disunionists did not accept as conclusive the arguments which were urged in behalf of the successful candidate in the late canvass—this is all! Does the Constitution, in letter or spirit, imply that the arguments of one party shall be satisfactory to the other? No, that is impossible. What is the constitutional remedy for this inevitable dissatisfaction? Renewed debate and ultimate rehearing in a subsequent election. Have the now successful majority perverted power to the purposes of oppression? No, they have never before held power. Alas! how prone we are to undervalue privileges and blessings. How gladly, how proudly, would the people of any nation in Europe accept on such terms as we enjoy it the boon of electing a Chief Magistrate every four years by free, equal, and universal suffrage!

How thankfully would they cast aside all their own systems of government and accept this republic of ours, with all its shortcomings and its disappointments, maintain it with their arms and cherish it in their hearts! Is it not the very boon for which they supplicate God without ceasing, and even wage war with intermissions only resulting from exhaustion?

The spirit of disunion, he averred, sprung from a class of citizens living in the States bordering the delta of the Mississippi. They have, for thirty years or more, believed that the Union was less conducive to their welfare than would be a smaller confederacy of slave States. Availing themselves of the discontents arising from defeat at the ballot box they hastened to put into operation the machinery of dissolution long ago prepared and only awaiting the propitious occasion for its use.

In all the slave States there is, he remarked, a restiveness under the resistance offered by the free States to the extension of slavery into the common Territories of the United States. The Republican party, which has offered this resistance, and which elected its candidate for President on that policy, has been allowed, practically, no representation, no utterance, by speech or through the press, in the slave States, while its policy, principles, and sentiments, and even its temper, have been so misrepresented as to excite apprehensions that it denies important constitutional obligations and aims even at interference with slavery and its overthrow by State authorities or intervention by the Federal Government. Considerable masses, even in the free States, interested in the success of these misrepresentations as a means of partisan strategy, have lent their sympathy to the party aggrieved. While the result of the election brings the Republican party necessarily into the foreground in resisting disunion, the prejudices against them have deprived them of the coöperation of many good and patriotic citizens. On a complex issue between the Republican party and the disunionists, although it involves the direct national calamities, the result might be doubtful, for the Republican party is weak in a large part of

the Union. But on a direct issue, with all who cherish the Union on one side and all who desire its dissolution by force on the other, the verdict would be prompt and almost unanimous.

But everything, he averred, is subordinate to the Union; Republicanism, Democracy, and every other political name and thing *ought* to disappear before the great question of Union or dissolution. He said:

"If others shall invoke that form of action to oppose and overthrow government, they shall not, so far as it depends on me, have the excuse that I obstinately left myself to be misunderstood. In such a case I can afford to meet prejudice with conciliation, exaction with concession which surrenders no principle, and violence with the right hand of peace. Therefore, sir, so far as the abstract question whether, by the Constitution of the United States, the bondman, who is made such by the laws of a State, is still a man or only property, I answer that, within that State, its laws on that subject are supreme; that when he has escaped from that State into another the Constitution regards him as a bondman who may not, by any law or regulation of that State, be discharged from his service, but shall be delivered up, on claim, to the party to whom his service is due. While prudence and justice would combine in persuading you to modify the acts of Congress on that subject, so as not to oblige private persons to assist in their execution, and to protect freemen from being, by abuse of the laws, carried into slavery, I agree that all laws of the States, whether free States or slave States, which relate to this class of persons, or any others recently coming from or resident in other States, and which laws contravene the Constitution of the United States, or any law of Congress passed in conformity thereto, ought to be repealed.

"*Secondly:* Experience in public affairs has confirmed my opinion that domestic slavery, existing in any State, is wisely left by the Constitution of the United States exclusively to the care, management, and disposition of that State; and if it were in my power I would not alter the Constitution in that respect. If misapprehension of my position needs so strong a remedy I am willing to vote for an amendment of the Constitution, declaring that it shall not, by any future amendment, be so altered as to confer on Congress a power to abolish or interfere with slavery in any State.

"*Thirdly:* While I think that Congress has exclusive and sovereign authority to legislate on all subjects whatever in the

common Territories of the United States, and while I certainly shall never, directly or indirectly, give my vote to sanction or establish slavery in such Territories, or anywhere else in the world, yet the question what constitutional laws shall at any time be passed in regard to the Territories is, like every other question, to be determined on practical grounds. I voted for enabling acts in the cases of Oregon, Minnesota, and Kansas, without being able to secure in them such provisions as I would have preferred—and yet I voted wisely. So now, I am well satisfied that, under existing circumstances, a happy and satisfactory solution of the difficulties in the remaining Territories would be obtained by similar laws, providing for their organization, if such organization were otherwise practicable. I hold and cherish, as I have always done, the principle that this Government exists in its present form only by the consent of the governed, and that it is as necessary as it is wise to resort to the people for revisions of the organic law, when the troubles and dangers of the State certainly transcend the powers delegated by it to the public authorities. Nor ought the suggestion to excite surprise. Government, in any form, is a machine; this is the most complex one that the mind of man has ever invented, or the hand of man has ever framed. Perfect as it is, it ought to be expected that it will, at least as often as once in a century, require some modification to adapt it to the changes of society and alterations of empire.

"*Fourthly:* I hold myself ready now, as always heretofore, to vote for any properly guarded laws which shall be deemed necessary to prevent mutual invasions of States by citizens of other States, and punish those who shall aid and abet them. I learned early from Jefferson that, in political affairs, we cannot always do what seems to be absolutely best. Those with whom we must necessarily act, entertaining different views, have the power and the right of carrying them into practice. We must be content to lead when we can, and to follow when we cannot lead; and if we cannot at any time do for our country all the good that we would wish, we must be satisfied with doing for her all the good that we can.

"Having submitted my own opinions on this great crisis it remains only to say that I shall cheerfully lend to the Government my best support in whatever prudent yet energetic efforts it shall make to preserve the public peace, and to maintain and preserve the Union; advising only that it practice, as far as possible, the utmost moderation, forbearance, and conciliation." [Applause in the galleries.]

Mr. Victor's eulogy of this speech and statement of its effects is representative of the opinion of the large number of persons in the Republican party whose devotion Senator Seward completely commanded at the time. He said:

> The speech was as subtle as eloquent—as politic as profound—as deliberate as earnest; and, although it may detract from its candor, it will add to its wisdom to aver that the statesman was compassing his ultimate ends, in declarations for conciliation—in his pleas for the blending of all political parties—in that of devotion to the Union. Throughout all the free States public sentiment was taking an unmistakable direction; the people were ripe for the rallying cry, "The Union!" In it Mr. Seward, with a quick apprehension of the perils awaiting the new Administration, beheld the only instrument of its salvation—the tower of its strength. Therefore, apparently casting aside even his Republicanism—apparently repudiating the policy of the Republican leaders and of Mr. Lincoln, he struck the chord which soon became the nation's rallying call. Mr. Lincoln went into office as a Unionist rather than as a Republican, and Mr. Seward, like a Jove controlling the thunderbolts, directed all the terrible thunders and lightnings of the people, subtly but surely, against the enemies of the Executive.

On January 16 the Crittenden resolutions came to a vote. A substitute offered by Daniel Clark [N. H.], which declared that the Constitution as it stood afforded all the means necessary and advisable upon which to base the Union, was adopted by a vote of 25 to 23, the votes in the affirmative being all by Senators from the free States and those in the negative being by Senators from the slave States (with the exception of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, which had either withdrawn from the Union, or were about to do so) and by moderate Northerners; the latter were William Bigler [Pa.], Jesse D. Bright [Ind.], Graham N. Fitch [Ind.], William M. Gwin [Cal.], Joseph Lane [Ore.], Milton S. Latham [Cal.], George E. Pugh [O.], and Henry M. Rice [Minn.]. Hannibal Hamlin [Me], the Vice-President-elect, John R. Thomas [N. J.], Stephen A. Douglas [Ill.], and R. W. Johnson [Ark.] did not vote.

### The Peace Conference

The Peace Conference of the States, called by Virginia, met on February 4. Thirteen free States (the New England and Middle Atlantic States, and Ohio, Indiana, Illinois, and Iowa) and seven slave States (the border States and Virginia, North Carolina, and Tennessee) were represented. Ex-President John Tyler was made president. A committee was formed of a representative from each State in the conference (James Guthrie, of Kentucky, being chairman) to report a plan of conciliation. On the 15th it presented a majority and two minority reports. The majority report was in seven sections. As subsequently amended these sections were:

1. Establishment of the Missouri Compromise.
2. New territory to be acquired only with the consent of a majority of the Southern Senators and of a majority of the Northern Senators.
3. Congress to have no power to abolish slavery in the States, nor in the District of Columbia, save with consent of Maryland and with compensation to slaveowners, but the slave market in the District shall be abolished.
4. Enforcement of Fugitive Slave Law.
5. Slave trade forever prohibited.
6. The parts of the Constitution guaranteeing equality of the States not to be amended nor abolished save with the concurrence of all the States.
7. The Government to indemnify owners of slaves lost through resistance to the Fugitive Slave Law.

Gov. Roger S. Baldwin [Conn.] presented a minority report as a substitute for the majority report, recommending a general constitutional convention of the States.

James A. Seddon [Va.] presented a minority report, supplementary to the majority report, declaring that all territory south of 36 degrees 30 minutes north latitude would be open to slavery without submitting the questions to the inhabitants, and that slaveholders should have the right to take their property through free States and be protected at sea in similar transit.

The minority reports were negatived in the convention, as well as a number of independent propositions made from the floor.

Section one of the majority report was adopted by 9 votes to 8, each State having one vote; section two by 11 to 8; section three, by 12 to 7; section four by 15 to 4; section five, by 16 to 5; section six, by 11 to 9; section seven, by 12 to 7.

President Tyler gave the plan of conciliation to Vice-President Breckenridge, who laid it before the Senate, which referred it to a select committee of five (John J. Crittenden, of Kentucky, chairman). Senator Crittenden reported it on February 28, where, after considerable debate in which arguments already familiar were repeated, it was rejected by a vote of 24 to 12. The plan was also presented to the House and there shelved in favor of the Corwin plan.

### House Debate of the Conciliation Bill

In the House of Representatives Alexander R. Boteler [Va.] had moved to refer that part of the President's message which related "to the present perilous condition of the country" to a select committee composed of a representation from each State. The motion was adopted, and the Speaker, William Pennington [N. J.], who was strongly inclined toward conciliation, appointed on the committee sixteen Republicans and seventeen Democrats (two being from Oregon and California)—both Republicans and Democrats, so far as it was possible to choose them, being men of moderate views. Thomas Corwin [O.], probably the least radical Republican in the House, and, because of his former Senatorial service, its most distinguished member, was made chairman, Mr. Boteler having declined to serve on the committee.

Many plans of conciliation were presented to the House, which were referred to the committee.

John Sherman, of Ohio, suggested a faithful observance on all hands of the requirements and compromises of the Constitution, with an immediate division of the

Territories into embryo States with a view to their prompt admission into the Union. John Cochrane, of New York, revived the old scheme of dividing the Territories between free and slave labor on the line of 36 degrees 30 minutes. William H. English, of Indiana, proposed substantially the same thing. John W. Noell, of Missouri, proposed an abolition of the office of President of the United States and a division of the Union into three districts, each to elect one member of an "Executive Council," to which the functions of President should be intrusted. He suggested, moreover, a "restoration of the equilibrium between the free and slave States" by a division of several of the latter into two or more States each. Thomas C. Hindman, of Arkansas, proposed so to amend the Constitution as to protect slave property in the Territories, etc., and that any State which should pass an act impairing or defeating the operation of the Fugutive Slave Law should thereupon be deprived of her right of representation in Congress. Charles H. Larrabee, of Wisconsin, proposed a convention of the States.

That committee, on December 13, united in a resolve, moved by Justin S. Morrill, of Vermont, as a substitute for one moved by William McKee Dunn, of Indiana, affirming the necessity of proffering to the slave States "additional and more special guaranties of their peculiar rights and interests." Mr. Morrill's affirmation was as follows:

> "*Resolved*, That, in the opinion of the committee, the existing discontents among the Southern people, and the growing hostility among them to the Federal Government, are greatly to be regretted; and that any reasonable, proper, and constitutional remedies, necessary to preserve the peace of the country and the perpetuation of the Union, should be promptly and cheerfully granted."

Twenty-two votes were cast for this proposition, including those of all the members from slave States who voted. Reuben Davis [Miss.] was present but did not vote. The nays (eight) were all Republicans.

On motion of Garnett B. Adrian (Douglas Democrat), of New Jersey, the House, on December 17, by 151 yeas to 14 nays:

"*Resolved,* That we deprecate the spirit of disobedience to the Constitution, wherever manifested; and that we earnestly recommend the repeal of all statutes by the State legislatures in conflict with, and in violation of, that sacred instrument, and the laws of Congress passed in pursuance thereof."

Owen Lovejoy (radical Republican), of Illinois, hereupon proposed this counterpart of the foregoing:

"*Whereas,* The Constitution of the United States is the supreme law of the land, and ready and faithful obedience to it a duty of all good and law-abiding citizens: Therefore,

"*Resolved,* That we deprecate the spirit of disobedience to that Constitution wherever manifested, and that we earnestly recommend the repeal of all statutes, including nullification laws so called, enacted by State legislatures, conflicting with, and in violation of, that sacred instrument and the laws of Congress made in pursuance thereof; and it is the duty of the President of the United States to protect and defend the property of the United States.

The yeas were 124; the nays, none—most of the Southern men refusing to vote.

Isaac N. Morris (Democrat), of Illinois, next moved:

That we have seen nothing in the past, nor do we see anything in the present, either in the election of Abraham Lincoln to the presidency of the United States, or from any other existing cause, to justify its dissolution.

On this yeas were 115; nays 44, two votes in the negative being cast by Northern Democrats, Daniel E. Sickels [N. Y.] and Thomas B. Florence [Pa.].

On the same day (December 17) Albert Rust [Ark.] submitted to the committee a plan of conciliation substantially the same as one presented in the Senate by John J. Crittenden [Ky.], and it was voted down some days later by 12 yeas and 15 nays, no Republican voting in the affirmative. On the 18th Henry Winter Davis [Md.] offered a resolution that the State legislatures re-

vise their laws concerning the Fugitive Slave Act so that no obstacles would prevent its enforcement. This was unanimously adopted.

On December 21, South Carolina having seceded, the representatives of that State resigned their seats.

William A. Howard [Mich.] offered a resolution referring the message of the President to a special committee of five, to report on the exact situation of the Federal property in Charleston; what demands, if any, had been made for its surrender; what pledges, if any, had been given to the secessionists not to send reinforcements to Fort Sumter; what efforts, if any, had been made to recover Federal property which had been seized by the secessionists, etc. The resolution was adopted by 133 yeas to 62 nays.

On January 14, 1861, the Committee of Thirty-three presented three reports, that of the majority, embracing Mr. Davis's resolution, recognizing slavery in the States and the right of these that it should not be interfered with; proposing the admission of New Mexico into the Union, with slavery if its people so voted; maintaining the duty of the Federal Government to enforce the Federal laws, protect the Federal property, and preserve the Union," and to protect citizens of one State when traveling in another in all these civil rights, and requesting the States to enact laws preventing and punishing attempts within their borders lawlessly to invade other States.

One of the two minority reports, presented by two radical Republicans, Cadwalader C. Washburn [Wis.] and Mason W. Tappan [N. H.], declared that, in view of the rebellion now in progress, no concessions should be made. The other minority resolution, presented by John C. Burch [Cal.] and Lansing Stout [Ore.], propose a convention of the States to amend the Constitution.

The Crittenden (Senate) plan was moved in the House as a substitute for the majority report and rejected by 80 yeas to 113 nays, and the majority report was adopted by 136 yeas to 53 nays, the ratio of Republicans to Democrats being about the same in the yeas as in the nays. Mr. Corwin further reported a joint reso-

lution proposing an amendment to the Constitution, whereby any future amendment giving Congress power over slavery in the States is forbidden; which was defeated, not receiving the requisite two-thirds—yeas 123; nays 71. It was reconsidered, however, on motion of Daniel Kilgore, of Indiana, seconded by Benjamin Stanton, of Ohio, and on February 28, 1861, was adopted: yeas 133, nays 65; and the Senate concurred: yeas 24, nays 12.

The debate in the House on this "Conciliation Bill" was one of the longest and most interesting in the annals of Congress. Nevertheless in ability the speeches in general fell below those in the Senate on the same subject, and therefore are here omitted.

As soon as their respective States passed ordinances of secession representatives in both Houses of Congress resigned their positions. Those in the Senate made farewell speeches, all of which are memorable for the spirit which informed them, and most of them for the ability with which this was expressed.

The speech of Jefferson Davis [Miss.] is here presented as typical of all.

## "We Tread in the Path of Our Fathers"

### Farewell Speech to the Senate by Jefferson Davis

It is known to Senators who have served with me here that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counseled them then that, if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of

mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are, indeed, antagonistic principles. Nullification is a remedy which it is sought to apply within the Union and against the agent of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again when a better comprehension of the theory of our Government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

It is by this confounding of nullification and secession that the name of a great man [Senator Calhoun], whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase "to execute the laws" was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. That is not the case which is now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country.

It has been a conviction of pressing necessity, it has been a

belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the ends to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was the Prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our Constitution was formed the same idea was rendered more palpable, for there we find provision made for that very class of persons as property; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts; but, so far as representation was concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three-fifths.

Then, Senators, we recur to the compact which binds us together; we recur to the principles upon which our Government was founded; and when you deny them, and when you deny to us the right to withdraw from a Government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done, not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defend-

ing and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents toward yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent toward those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision; but whatever of offence there has been to me I leave here; I carry with me no hostile remembrance. Whatever offence I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting, to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

At this session, after the withdrawal of Southern members in such numbers as to give the Republicans a large majority in the House and a practical control of the Senate, three separate acts were passed, organizing the Territories of Colorado, Nevada, and Dakota, covering a large part of the remaining territory of the United States. These acts were silent with regard to slavery, leaving whatever rights had accrued to the South under the Constitution, as interpreted in the Dred Scott decision, not merely unimpaired but unquestioned by any Federal legislation. Their passage in this form was intended to strengthen the Unionists of the South, especially of the border States.